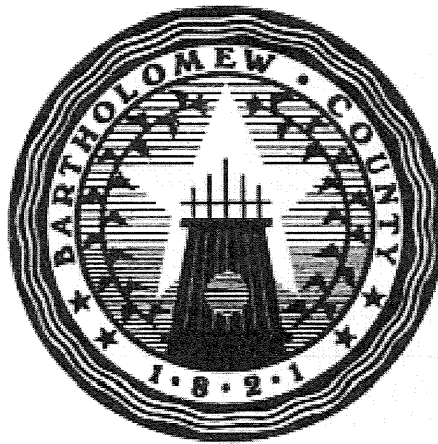


Bartholomew County, Indiana Zoning Ordinance

Bartholomew County Code:
Chapter 8: Zoning & Planning
Article 2: Zoning

Adoption Date: August 4, 1958

Repealed for the Jurisdiction of Bartholomew County: April 1, 2008
(remains effective for the Edinburgh / Bartholomew / Columbus Joint District)



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ARTICLE 2. ZONING.**Division I. General Provisions and Requirements.****Sec. 8-150 Short Title.**

This Ordinance and ordinances supplemental or amendatory thereto shall be known, and may be cited as the “**Zoning Ordinance of Bartholomew County, Indiana**”. (Ord. No. 1-1, 1958, § 1, 8-4-58)

Sec. 8-151 Interpretation.

In interpreting and applying the provisions of this Article, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, morals, convenience and general welfare. (Ord. No. 1-1, 1958, § 2, 8-4-58)

Sec. 8-152 Non-interference with Greater Restrictions Otherwise Imposed.

It is not intended by this Article to interfere with, abrogate or annul any easements, covenants or other agreements between parties, nor to interfere with, abrogate or annul any Articles, other than expressly repealed hereby, rules, regulations or permits previously adopted or issued, and not in conflict with any of the provisions of this Article, or which shall be adopted or provided, except, that where this Article imposes a greater restriction upon the use of buildings or land, or upon the height of buildings, or requires larger open spaces or greater lot area per family, than are required or imposed by such easements, covenants or agreements between parties, or by such Articles, rules, regulations or permits, the provisions of this Article shall control. (Ord. No. 1-1, 1958, § 3, 8-4-58)

Sec. 8-153 Identification.

Wherever the word “County” appears in this ordinance, it shall be deemed to refer to the County of Bartholomew, Indiana; the word “Commission” refers to the Bartholomew County Plan Commission; “Board” refers to the Bartholomew County Board of Zoning Appeals; the word “District” refers to a section of the unincorporated territory of Bartholomew County for which uniform regulations governing the use, height, area, size, and intensity of use of buildings and land, and open spaces about buildings, are herein established; the words “Zone Map” refer to the official zoning map which is adopted by reference and declared to be a part of this Article, dated 1958, and any amendments thereto; the words “Master Plan” refers to the complete plan or any of its parts for the development of the unincorporated territory within the County, prepared by the Commission and adopted in accordance with Chapter 174, Acts of 1947, General Assembly of Indiana, as amended, as is now or may hereafter be in effect. (Ord. No. 1-1, 1958, § 4, 8-4-58)

Sec. 8-154 Definitions.

For the purpose of this Article, certain terms and words used herein shall be interpreted and defined as follows:

Words in the present tense include the future and vice-versa; words in the singular number include the plural number and vice-versa; the word **“building”** includes the word **“structure”** and vice-versa; the word **“shall”** is mandatory and not directory. (Ord. No. 1-1, 1958, § 5, 8A-58)

Accessory Building and Use.

A building or use subordinate to another structure or use located on the same lot and which does not change or alter the character of the premises and which is not used for human occupancy.

Public utility communication, electric, gas, water and sewer lines, their supports and incidental equipment and public telephone booths. (Ord. No. 1-1, 1958, § 5, 8-4-58)

Alley. A right-of-way other than a street, road, crosswalk or easement, designed to provide a secondary means of access for the special accommodation of the property it reaches. (Ord. No. 1-1, 1958, § 5, 8-9-58)

Block. Property having frontage on one side of a street and lying between the two nearest intersecting or intercepting streets, or nearest intersecting or intercepting street and railroad right-of-way, waterway or other barrier.

Block, Residential. A block in which business or industrial uses are not permitted.

Board. The Bartholomew County Board of Zoning Appeals

Boarding House. A building not open to transients, where lodging and/or meals are provided for three (3) or more, but not over thirty (30) persons regularly; a lodging house.

Building. A structure having a roof supported by columns or walls, for the shelter, support, enclosure or protection of persons, animals, chattels or property. When separated by party walls, without opening through such walls, each portion of such a building shall be considered a separate structure.

Building, Accessory. A subordinate building, or a portion of a main building, the use of which is incidental to that of the main building.

Building, Detached. A building having no structural connection with another building.

Building, Front Line Of. The line of the face of the building nearest the front lot line.

Building, Height Of. The vertical distance measured from the lot ground level to the highest point of the roof for a flat roof; to the deck line of a mansard roof; and to the mean height between eaves and ridges for gable, hip and gambrel roofs.

Building, Principal. A building in which is conducted the main or principal use of the lot on which said building is situated. Where a substantial part of an accessory building is attached to the main building in a substantial manner, as by a roof, such accessory building shall be counted as a part of the principal building.

Building Area. The maximum horizontal projected area of the principal and accessory building, excluding open steps or terraces, unenclosed porches not exceeding one story in height, or architectural appurtenances projecting not more than two (2) feet.

Building Line. The line nearest the front of and across a lot establishing the minimum open space to be provided between the front line of a building or structure and the street right-of-way line.

Business or Commercial. The engaging in the purchase, sale, barter or exchange of goods, wares, merchandise or services, the maintenance or operation of offices, or recreational and amusement enterprises for profit.

Camp, Public. Any area or tract of land used or designed to accommodate two (2) or more automobile house trailers, mobile homes or two (2) or more camping parties, including cabins, tents or other camping outfits.

Cemetery. Land used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.

Certificate of Occupancy. A certificate stating that the occupancy and use of land or a building or structure referred to therein complies with the provisions of this Article.

Clinic or Medical Health Center. An establishment where patients are admitted for special study and treatment by two or more licensed physicians and their professional associates, practicing medicine together.

Commercial Greenhouse. A venture, which includes a building or buildings, constructed mainly of glass or plastic, for the growing or protection of plants, which are to be sold or rented. (Ord. No. 1988-13, § 1, 10-24-88)

Commission. The Bartholomew County Plan Commission.

Development. Any man-made change to improved or unimproved real estate including, but not limited to, buildings and other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

Development Plan. Specific plan for the residential, commercial, or industrial development of property setting forth certain information and data required by the plan commission. (Ord. No. 1989-03, § III, 3-6-89)

Dwelling. A building or portion thereof, used primarily as a place of abode for one or more human beings, but not including hotels, lodging or boarding houses, tourist homes, trailers or mobile homes. (Ord. No. 1-17, 1962, § 1, 11-5-62)

Dwelling Unit. A dwelling or portion of a dwelling or of an apartment hotel used by one family for cooking, living and sleeping purposes. (Ord. No. 1-1, 1958, § 5, 8-4-58)

Dwelling, Multi-Family. A building used primarily as a place of abode for more than one household with separate kitchen, bath, and other facilities.

Dwelling, Single-Family. A building used primarily as a place of abode for one household, containing at least nine hundred fifty (950) square feet in floor area, with at least sixty (60%) percent of the structure being at least twenty-three (23) feet wide at its narrowest dimension, erected on a permanent perimeter retaining wall. Structures for temporary lodging, such as motels, hotels, and tourist courts are excluded from this definition, as are mobile homes and trailers. (Ord. No. 1982-6, § 5-19b, 5-24-82)

Family. One or more persons living as a single housekeeping unit, as distinguished from a group occupying a hotel, club, nurses home, fraternity or sorority house. (Ord. No. 1992-02, § 3, 1-27-93)

Floating or Overlay District. An unmapped zoning district where the zone requirements are contained in this ordinance and the zone is fixed on the map only when an application for development, meeting the zone requirements, is approved in accordance with the procedures set forth in the ordinance. Such district may encompass one or more underlying zone districts and may impose additional requirements beyond those required by the underlying district. (Ord. No. 1994-10)

Garage, Private. An accessory building for the storage of motor vehicles in association with a residence on the same lot. (Ord. No. 1992-02, § 3, 1-27-92)

Garage, Public. Any building, or premises, except those defined herein as a Private Garage, used for the storage or care of motor vehicles, or where such vehicles are equipped for operation, repaired or kept for remuneration, hire or sale.

Ground Floor Area. The square foot area of a residential building within its largest outside dimensions computed on a horizontal plane at the ground floor level, exclusive of open porches, breezeways, terraces, garages, exterior and interior stairways.

Home Occupation. Any use conducted entirely within a dwelling and participated in solely by members of the family, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof and in connection with which there is no commodity sold upon the premises except that which is produced thereon, and provided, however, in no event shall a barber shop, beauty parlor, tea room or animal hospital be construed as a home occupation.

Hotel or Motel. A building or group of buildings in which lodging is provided and offered to the public for compensation and which is open to transient- guests, in contradistinction to a boarding or lodging house.

Improvement Location Permit. A permit stating that the proposed erection, construction, enlargement or moving of a building or structure referred to therein complies with the provisions of the master plan.

Junkyard, Including Automobile Wrecking. A lot or a part thereof used for the storage, keeping, dismantling, abandonment or sale of junk, scrap metal, scrap vehicles or scrap machinery or parts thereof.

Kennel. Any lot or premises on which four (4) or more dogs, or small animals, at least four (4) months of age, are kept.

Limited Home Occupation. A business operated entirely within a single-family dwelling, operated solely by residents of the dwelling, which business is clearly incidental and secondary to the use of the structure as a dwelling and meeting the criteria set forth in Section 8-171 (a)(5).

Loading and Unloading Berths. The off-street area required for the receipt or distribution by vehicles of material or merchandise, which in this Article is held to be a twelve (12) foot by thirty-five (35) foot loading space with a fourteen (14) foot height clearance.

Lot. A parcel, tract or area of land that fronts on a street or place. It may be a single parcel separately described in a deed or plat, which is recorded in the office of the County Recorder, or it, may include parts of, or a combination of such parcels when adjacent to one another and used as one. In determining lot area and boundary lines no part thereof within the limits of a street shall be included.

Lot, Corner. A lot at the junction of and abutting two or more intersecting streets.

Lot, Ground Level.

For buildings having walls adjoining one street only, the elevation of the sidewalk at the center of the wall adjoining the street.

For buildings having walls adjoining more than one street, the average of the elevation of the sidewalk at the center of all walls adjoining the streets.

For buildings having no wall adjoining the street, the average level of the ground adjacent to the exterior walls of the building.

Any wall approximately parallel to and not more than five (5) feet from a street is to be considered as adjoining the street.

Lot, Interior. A lot other than a Corner Lot or Through Lot.

Lot, Through. A lot having frontage on two parallel or approximately parallel streets.

Lot Coverage. The percentage of the lot area covered by the building area.

Lot Line, Front. In the case of an interior lot, a line separating the lot from the street or place; and in the case of a corner lot a line separating the narrowest street frontage of the lot from the street, except in cases where deed restrictions in effect specify another line as the front lot line.

Lot Line, Rear. A lot line which is opposite and most distant from the front lot line and, in the case of an irregular or triangular shaped lot, a line ten (10) feet in length within the lot, parallel to and at the maximum distance from the front lot line.

Lot Line, Side. Any lot boundary line not a front lot line or a rear lot line.

Lot Width. The dimension of a lot, measured between side lot lines on the building line.

Mobile Home. A transportable dwelling unit larger than three hundred twenty (320) square feet in floor area and not meeting the criteria for "Single-Family Dwelling".

Mobile Home Development. A mobile home subdivision, park or condominium containing sites or parcels for aggregations of mobile homes on single tracts. (Ord. No. 1982-6, §5-57c, 5-24- 82)

Mobile Home Tie Downs; Schedule A. Sufficient anchorage to resist flotation, collapse or lateral movement of any mobile home. At a minimum, such anchorage shall consist of

(1) over- the-top ties be provided at each of the four comers of the mobile home, with two additional ties per side at intermediate locations, with mobile homes less than fifty (50) feet long requiring only one additional tie per side;

(2) frame ties be provided at each corner of the home with five (5) additional ties per side at intermediate points and mobile homes less than fifty (50) feet long requiring four additional ties per side;

(3) all components of the anchoring system be capable of carrying a force of 4,800 pounds; and

(4) any additions to the mobile home be similarly anchored.

Natural Resources. The Indiana Natural Resources Commission.

Parking Area, Public. An open area, other than a street or alley, designed for use or used for the temporary parking of more than four motor vehicles when available for public use, whether free or for compensation, or as an accommodation for clients or customers.

Parking Space (Off-street, One). A space, other than on a street or alley, designed for use or used for the temporary parking of a motor vehicle, and being not less than nine (9) feet wide and twenty (20) feet long, exclusive of passageways.

Person. A corporation, firm, partnership, association, organization or any other group acting as a unit, as well as a natural person.

Place. An open, unoccupied space other than a street or alley, permanently reserved for use as the principal means of access to abutting property.

Professional Office. Office of members of recognized professions, such as an architect, artist, dentist, engineer, musician, physician, surgeon or other professional person.

School, Private. Private preprimary, primary, grade, high or preparatory school or academy.

School, Trade or Business. Secretarial or Business School or College when not publicly owned or not owned or conducted by or under the sponsorship of a religious, charitable or non-profit organization; or a school conducted as a commercial enterprise for teaching instrumental music, dancing, barbering or hair dressing, drafting or for teaching industrial or technical arts.

Signs. Any board, device or structure or part thereof used for advertising, display or publicity purposes. Signs placed or erected by governmental agencies for the purposes of showing street names or traffic directions or regulations for other governmental purposes shall not be included herein.

Street. A public way established or dedicated by duly recorded plat, deed, grant, governmental authority or by operation of law.

Structural Alteration. Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the exterior walls or the roof. Structure. Anything constructed or erected which requires location on the ground or attachment to something having a location on the ground.

Swimming Pool, Private. A private swimming pool shall include all artificially constructed pools, which are used in connections with and appurtenant to a single-family residence and available only to the family of the householder or his private guests. (Ord. No. -----, 1968, § 4, 7- --68)

Tourist Home. A building in which one but not more than five guest rooms are used to provide or offer overnight accommodations to transient guests for compensation.

Trailer. Any vehicle constructed so as to permit its being either self-propelled or transported upon a public street or highway and designed for transporting goods or for human occupancy which contains three hundred twenty (320) square feet or less of floor area. (Ord. No. 1982-6, 5 5-57(b), 5-24-82)

Trailer or Mobile Home Subdivision. Any area of land platted for a subdivision, the lots as platted in the subdivision meeting the requirements for the zoning district in which they are located, which lots in said subdivision are to be sold by deed to individual owners for the exclusive purpose of parking or placing trailers or mobile homes. Said trailer or mobile home shall contain no less than three hundred twenty (320) square feet of floor area, on said lots for residential purposes. (Ord. No. _____. 1965, § 1, 8-14-65)

Use. The employment or occupation of a building, structure or land for a person's service, benefit or enjoyment.

Use, Nonconforming. An existing use of land or building which fails to comply with the requirements set forth in this Article applicable to the district in which such use is located.

Use, Open. The use of a lot without a building or including a building incidental to the open use with a ground floor area equal to five (5) percent or less of the area of the lot.

Variance. A modification of the specific requirements of this Article granted by the Board in accordance with the terms of this Article for the purpose of assuring that no property, because of special circumstances applicable to it, shall be deprived of privileges commonly enjoyed by other properties in the same vicinity and district.

Vision Clearance on Corner Lots. A triangular space at the street corner of a corner lot, free from any kind of obstruction to vision between the heights of three (3) and twelve (12) feet above established grade, determined by a diagonal line connecting two points measured fifteen (15) feet equidistant from the street corner along each property line.

Waste Disposal Facility. A landfill, composting facility, incinerator, transfer station, or any similar use. This definition excludes salvaging, storage, or processing of scrap, metal, paper, cloth, or other material and excludes junkyards. (Ord. No. 1994 -10)

Yard. A space on the same lot with a main building, open, unoccupied and unobstructed by structures, except as otherwise provided in this Article.

Yard, Front. A yard extending across the full width of the lot, unoccupied other than by steps, walks, terraces, driveways, lampposts and similar structures, the depth of which is the least distance between the street right-of-way line and the building line.

Yard, Rear. A yard extending across the full width of the lot between the rear of the main building and the rear lot line unoccupied other than by accessory buildings which do not occupy more than thirty (30) percent of the required space, the depth of which is the least distance between the rear lot line and the rear of such main building.

Yard, Side. A yard between the main building and the side lot line, extending from the front yard or front lot line where no front yard is required, to the rear yard. The width of the required side yard is measured horizontally, at ninety (90) degrees with the side lot line, from the nearest part of the main building.

Zone Map. The eleven maps entitled 'Bartholomew County, Indiana, Zone Map, Sheets 1R, 3,4, 5,6,7,8,9, 10, and 11, dated 1958, and any amendments thereto. (Ord. No. 1-1-1958, § 4,8- 4-58, as amended)

Sec. 8-155 Zone Map and Establishment of Districts.⁵

The Zone Map, which accompanies and is declared to be a part of this Article, shows the boundaries of and the area covered by the districts. Notations, references, indications and other matters shown on the Zone Map are as much a part of this Article as if they were fully described herein.

Districts are established as shown on the Zone Map:

S1	Suburban Residential District
S2	Residential District
S3	Residential District
RI	Single-Family Residence District
RIA	Single-Family Residence District
RIB	Single-Family Residence District
M1	Multifamily Residence District
C1	Local Business District
C2	General Commercial District
C3	Shopping Center District
C4	Roadside Commercial District
I1	Industrial District
I2	Industrial District

⁵ Ord No. 1987-12, § 1 eliminated references to the "Flood Plain (FP) District" from the text of the Zoning Ordinance.

IR	Industrial Reserve District (Ord. No. 1-1-1958, § 6, 8-4-58, as amended)
WD	Waste Disposal Overlay District (Ord. No. 1994-10)

Sec. 8-156 Determination and Interpretation of District Boundaries.

In determining the boundaries of districts, and establishing the regulations applicable to each district, due and careful consideration has been given to existing conditions, the character of buildings erected in each district, the most desirable use for which the land in each district may be adapted and the conservation of property values throughout the unincorporated territory of the County.

Where uncertainty exists as to the exact boundaries of any district as shown on the Zone Map, the following rules shall apply:

(a) In un-subdivided areas, or where a district boundary subdivides a lot, the exact location of the boundary shall be determined by use of the scale of the Zone Map.

(b) In the case of further uncertainty, the Plan Commission shall interpret the intent of the Zone Map as to the location of the boundary in question. (Ord. No. 1-1-1958, § 7, 8-4-58)

Sec. 8-157 Procedure Relating to Vacated Areas.

Whenever any street, alley, public way, or railroad right-of-way, waterway or such similar area is vacated by proper authority, the district adjoining each side of such street, alley, public way, railroad right-of-way, waterway or similar areas shall be extended automatically to the center of such vacation and all areas included in the vacation shall then and thenceforth be subject to all appropriate regulations of the extended district. (Ord. No. 1-1-1958, § 9, 8-4-58)

Sec. 8-158 Use.

No building or land shall be used and no building shall be erected, reconstructed or structurally altered, which is arranged, intended or design to be used for any purpose other than a use which is permitted and specified in a district in which such building or land is located. (Ord. No. 1-1-1958, § 9, 8-4-58)

Sec. 8-159 Height

No building shall be erected, reconstructed or structurally altered to exceed in height the limits established and specified for the use and the district in which such building is located. (Ord. No. 1-1-1958, § 10, 8-4-58)

Sec. 8-160 Yard, Lot Area and Size of Building.

No building shall be erected, reconstructed or structurally altered in any manner which will encroach upon, or reduce in any manner, the yards, lot area per family, ground floor area of residential buildings or lot coverage regulations, established and specified for the use and the district in which such building is located. (Ord. No. 1-1-1958, § 11, 8-4-58)

Sec 8-161 Building Setback Lines.

Building setback lines shall be required along all public streets according to the street classifications established by the Official Thoroughfare Plan. Any yard abutting a street shall be deemed a front yard for the purpose of determining front building setback lines.

(a) Expressway or Arterial. No part of any structure shall be built closer than fifty (50) feet to any right-of-way line of an expressway or arterial.

(b) Collector Street. No part of any structure shall be built closer than thirty (30) feet to any right-of-way line of a collector street.

(c) Local Street, Marginal Access Street or Cul-de-sac Thereof. No part of any structure shall be built closer than twenty-five (25) feet to any right-of-way line of a local street, with the exception, however, that said minimum setback line shall be twenty feet (20) to any right-of-way line of a marginal access street or the vehicular turn around of any local cul-de-sac. *

(d) For the purpose of this Section, an unimproved block shall be defined as any block which contains existing legally established buildings on less than thirty percent (30%) of the lots in the block as defined in this Section, or a distance of three hundred (300) feet in each direction from the side lot lines of the subject lot, whichever is the lesser.

Said setback lines for improved blocks shall be in accordance with the setback distance already established. In any improved block which contains existing legally established buildings on thirty percent (30%) of the lots in the block, as defined in this Section, or a distance of three hundred (300) feet in each direction from the side lot lines of the subject lot, whichever is the lesser, the minimum required building setback-line for any new building shall be the average of such established setback line, measured from the right-of-way established in the Official Thoroughfare Plan but not less than twenty (20) feet. For the purpose of this Section, the existing average setback shall be determined using the distance between the proposed right-of-way line as established in the Official Thoroughfare Plan and the existing buildings. (Ord. No. 1-1, 1958, § 21, 8-4-58, as amended)

Sec. 8-162 Lots.

Every building hereafter erected shall be located on a lot, which fronts on a street or place, and in no case shall more than one building and its customary accessory buildings be erected on any lot. (Ord. No. _____ 1967, § 4, 4-17-67)

* On un-platted lots where right-of-way is not clearly established, on local road, - 50 ft. from centerline of road. (Bartholomew County Highway Department 12/18/2000)

Sec. 8-163 Vehicle Parking Space; Loading and Unloading Berths.

Every building hereafter erected shall provide off-street parking spaces for motor vehicles and loading and unloading berths as specified hereinafter for the use to which such building is to be devoted. (Ord. No. 1-1-1958, § 13, 8-4-58)

Sec. 8-164 through 8-169 Reserved for Future Use.**Division II. Uses.****Sec. 8-170 Garages and Accessory Buildings.**

Garages and accessory buildings shall be permitted in all zoning districts, in accordance with the standards of this section:

(1) Each lot of three (3) acres or more may have an unlimited number of garages and accessory buildings with no maximum square footage caps, as long as no other provision of that zoning district are violated (setback, lot coverage, etc.) and if there is a dwelling unit on the lot.

(2) Each lot less than three (3) acres in size is entitled to 950 square feet of area devoted to garages and accessory buildings, as long as no other provisions of that zoning district are violated (setback, lot coverage, etc.).

(3) Attached or detached garages, mini-barns, barns, cabanas, pool houses, etc. are to be counted toward the total accessory building area. Unenclosed structures such as gazebos, picnic shelters, etc. are not to be counted, with the exception of carports. Accessory buildings are not deemed to include doghouses, tree houses, and other such incidental buildings.

(4) Each lot less than three (3) acres in size may contain more than 950 sq. ft. of garage and accessory building area as long as no other provision of the zoning ordinance is violated (setback, lot coverage, etc); and the attached/detached garage and accessory building equal no more than eighty percent (80%) of the gross floor (footprint) area of the principal use building.

(5) Parcels less than three (3) acres in size in any zoning district are limited to a maximum of three (3) detached accessory buildings. Unenclosed structures, such as gazebos and picnic shelters are excluded, as are incidental buildings like doghouses or tree houses.

(6) Existing accessory buildings, which are no longer part of a principal use due to rezoning and/or subdivision, may be retained on a lot. Such accessory buildings do not count toward the limit of three (3) detached accessory buildings. (Ord. No. 12,1993, § III (14a), 9-27-93)

Sec. 8-171 Residential Uses and Requirements.

(a) The following Residential uses, including accessory buildings and uses, are permitted in the districts indicated when complying with the requirements listed therein.

(1) A single-family dwelling is a detached building designed for or occupied by one family exclusively.

(2) A two-family dwelling is a detached building designed for or occupied by two families. A duplex building has one family unit above the other and a double dwelling has one family unit beside the other.

(3) A multi-family dwelling is a building designed for occupancy by three or more families exclusively for dwelling purposes.

(4) A mobile home as a temporary residence, for a period not to exceed two (2) years, where a single family dwelling on the same parcel of ground is under construction or major renovation, as determined by the Chief Code Enforcement Officer.

From Section 8-154 Definitions.

Limited Home Occupation. A business operated entirely within a single-family dwelling, operated solely by residents of the dwelling, which business is clearly incidental and secondary to the use of the structure as a dwelling and meeting the criteria set forth in Section 8-171 (a)(5).

Section 8-171 (a)

(5) Limited home occupations located in S1, S2, S3 and RI Districts, which shall not require or have any:

(a) structural changes to or external alterations to the dwelling unit or changes to the residential appearance of the dwelling unit.

(b) provisions for off-street parking or loading facilities other than those permitted in the zoning district. No portion of the minimum right-of-way, or the yard shall be used for parking.

(c) display of goods or other external evidence of the permitted home occupation permitted.

(d) signs relating to the business.

(e) more than twenty-five percent (25%) of the floor area of the main floor (or if the business is located on a different floor, twenty-five percent (25%) of such floor) of the dwelling to be devoted to the permitted home occupation.

(f) more than an occasional customer or client who come to the premises for the purposes of patronizing the permitted home occupation. For the purposes of this subsection an average of five (5) clients or customers per week shall be permitted.

(g) pick-up from, or delivery to, the dwelling related to the limited home occupation which is not carried out in a manner consistent with residential use of the premises. There shall be no more than an average of five (5) pick-ups and/or deliveries per week. Vehicles making such pick-ups and deliveries shall not have more than two axles or have a gross weight of more than ten thousand (10,000) pounds per vehicle.

(h) persons who are not residents of premises engaged in the business.

FIGURE 1

RESIDENTIAL USES AND REQUIREMENTS

<u>REQUIREMENTS</u>	<u>TYPE OF RESIDENTIAL USE</u>		
	<u>Single-Family Dwelling</u>	<u>Two-Family Dwelling</u>	<u>Multi-Family Dwelling</u>
District in which use is permitted	S1, S2, S3, R1, R1a, R1b	M1	M1
Min. lot size (sq. ft.)			12,000 (Ord. No. 1984-5, §1, 7-2-84)
Min. lot size (sq. ft./dwelling unit) (Ord. No. 1981-8, 1, 9-8-81)	S1.....43,560 S2.....20,000 S3.....15,000 R1, R1a....10,000 R1b..... 7,200	7,200 (Ord. No. 1984-5, § 1, 9-28-81)	3,000 (Ord. No. 1984-5, § 1, 7-2-84)
Min. lot width (ft.)	S1.....150 S2, S3.....100 R1, R1a.....75 R1b.....60	75	150
Max. building ht.	S1, R1, R1a.....20 S2, S3, R1b.....35	35	35 (Ord. No. 1984-5, §1, 7-2-84)
Min. front yard	See Section 8-160 of this Chapter		
Min. side yard	5 feet for a structure up to 20 ft. in height, 7.5 ft. for a structure higher than 20 ft. but no more than 30 ft., 10ft., for any structure above 30 ft. in height (height measured from grade to peak of roof) (Ord. No. 1991-16, § 3, (140 12-30-91)	5 feet for a structure up to 20 ft. in height, 7.5 ft. for a structure higher than 20 ft. but no more than 30 ft., 10ft., for any structure above 30 ft. in height (height measured from grade to peak of roof)	5 feet for a structure up to 20 ft. in height, 7.5 ft. for a structure higher than 20 ft. but no more than 30 ft., 10ft., for any structure above 30 ft. in height (height measured from grade to peak of roof)
Min. rear yard in ft.	20	15	15

<u>REQUIREMENTS</u>		<u>TYPE OF RESIDENTIAL USE</u>	
Min. ground floor building size in sq. ft. in all districts indicated	S1, S2, S3... 650 R1.....1,000 R1a..... 720 R1b..... 672	M1.....450 per dwelling unit	M1.....450 per dwelling unit
Number of Vehicle parking spaces to be provided on the lot.	1	2	2 per dwelling unit
Max. lot coverage in % if lot	35	35	40
Vision clearance on corner lots	Yes	Yes	Yes
<i>Mobile Home as a temporary residence, for a period not to exceed two (2) years, on a parcel where a single-family dwelling is under construction of major renovation, as determined by the Chief Code Enforcement Officer. (Ord. No. 1994-18, 11-28-1994)</i>			
<i>District in which use permitted</i>	<i>S1</i>		
<i>Minimum lot size (sq. ft.)</i>	<i>43,560</i>		
<i>Minimum lot width (ft.)</i>	<i>150</i>		
<i>Maximum building height (ft.)</i>	<i>20</i>		
<i>Minimum front yard</i>	<i>See Section 8-160 of this chapter</i>		
<i>Minimum side yard</i>	<i>Five (5) feet for a structure up to 20 ft. in height</i>		
<i>Minimum rear yard (ft.)</i>	<i>20</i>		
<i>Minimum ground floor building size</i>	<i>320 sq. ft.</i>		
<i>Number of vehicle parking spaces</i>	<i>1</i>		
<i>Maximum lot coverage % of lot</i>	<i>35</i>		
<i>Vision clearance on corner lots</i>	<i>Yes</i>		

(b) Provisions and Exceptions for Residential uses:

(1) Area and Width.

A single-family dwelling may be located on any lot in any district in which single-family dwellings are permitted if the lot was in single ownership or included in a subdivision which was of record in the office of the County Recorder at the time of passage of this Article even though the lot does not have the minimum lot width of the minimum lot area specified for the district.

(2) Rear yard.

One-half of an alley abutting the rear lot may be included in the required rear yard.

(3) Accessory Buildings and Uses.

(a) Accessory buildings are permitted in all districts, but only one such accessory building may be erected on a parcel prior to the activation of the intended use for that parcel.

(b) No accessory building shall exceed eighteen (18) feet in height. Accessory buildings shall meet the following side and rear setbacks: (Ord. No 3, 1995, 2-27-1995)

(1) For lots or parcels 7000 square feet or smaller, both side and rear setback shall be a minimum of three (3) feet. (Ord. No 3, 1995, 2-27-1995)

(2) For lots or parcels larger than 7000 square feet, both the side and rear setback shall be a minimum of five (5) feet. (Ord. No 3, 1995, 2-27-1995)

(c) Accessory uses such as public utility installations, walks, driveways, curbs, retaining walls, mail boxes, name plates, lamp posts, bird baths and structures of a like nature are permitted in any required front, side or rear yard. Fences, latticework screens, hedges or walls, not more than seven (7) feet in height, may be located in the required side or rear yard, and fences, walls or landscape hedges up to three and one-half feet in height to be placed in the front yard, as long as the fence, wall or landscape hedge does not interfere with traffic visibility. Provided, however, that nothing contained in this Article be deemed to prohibit the construction or maintenance of a fence of any height in connection with an agricultural use. Trees, shrubs, flowers, or plants shall be permitted in any required front, side or rear yard. (Ord. No. 1990-08, § 1 (14), 7-23-90)

(d) Private swimming pools shall be considered as an Accessory use to a single-family residence, provided the following standards are met:

(a) Location. A private swimming pool may be located in the side or rear yard but not closer than ten (10) feet from any property line. Not more than a total of thirty percent (30%) of the side and rear yard area shall be covered with accessory buildings including a swimming pool (does not include the house). No pool will be permitted beyond the front or side yard set back line. A pool shall not be located on a public easement or over a sewage disposal system.

- (b) Fence. The pool shall be entirely enclosed with a fence not less than five feet in height and of a type that will prevent access by children and animals. The fence shall be of a design that will discourage climbing. (A vertical board or chain link fence is recommended). The fencing shall include a self-closing, self-latching and locking gate.
- (c) Sound Barrier. If the pool is located within two hundred fifty (250) feet of other property, a hedge or sound barrier of at least eight (8) feet in height shall be provided if the pool is to be used for swimming after 10:00 p.m.
- (d) Electrical Wiring. All horizontal overhead electric wires shall be kept a distance of twenty-five (25) feet from any edge of the pool and must comply with any other provisions set out in the National Electrical Code covering wiring and details for private swimming pools (underground wiring is recommended around pool installations).
- (e) Pool Drainage. The Chief Technical Code Enforcement Officer shall visit and approve the pool site in regard to drainage and final safety features before a building permit shall be issued.

(4) Front Yard. On through lots, a front yard is required on each street. Front yards shall be as stated in Section 8-171.

(5) Tapered Yard

Where a reversed interior lot abuts a corner lot, or an alley separating such lots, an accessory building located on the rear lot line of a corner lot shall set back from the side street as far as the dwelling on the reversed interior lot. For each foot that such accessory building is placed from the rear line toward the front line of the corner lot, the accessory building may be set four (4) inches closer to the side street line, but in no case closer than five (5) feet.

(6) Height.

In the districts limiting height to twenty (20) feet, a multifamily dwelling may be increased in height not to exceed thirty-five (35) feet provided the required side yards are increased an additional one (1) foot for each three (3) feet such structure exceeds twenty (20) feet in height.

(7) Sewage Disposal.

Multifamily development is permitted only if served by a wastewater treatment and collection system approved by the Indiana Department of Health. Individual on-site subsurface disposal systems are not permitted for multifamily uses. (Ord. No. 1984-5, 5 1, 7-2- 84)

Sec. 8-172 Commercial Uses and Requirements.

The Commercial Uses defined below are permitted in the districts indicated in Figure 2, when complying with the requirements specified in Figures 2, 3 and 4.

(a) A Local Business Use is one which is primarily of a retail or service nature and is classified in the following categories:

(1) Automobile Service, including but not limited to the following:

- (a) Filling Station
- (b) Commercial Garage
- (c) Commercial Parking Lot
- (d) Sales Room
- (e) Open Automobile or Trailer Sales Area
- (f) Automobile Repair, entirely within enclosed buildings

(2) Business Service, including but not limited to the following:

- (a) Bank
- (b) Office
- (c) Postal Station
- (d) Telegraph Office

(3) Clothing Service, including but not limited to the following:

- (a) Laundry Agency
- (b) Self-Service
- (c) Dry Cleaning Establishment using not more than two clothes cleaning units, neither of which shall have a rated capacity of more than forty (40) pounds using cleaning fluid which is non-explosive and non-flammable
- (d) Dressmaking
- (e) Millinery
- (f) Tailor and Pressing Shop
- (g) Shoe Repair Shop

(4) Equipment Service, including but not limited to the following:

- (a) Radio Shop
- (b) Electric Appliance Shop
- (c) Record Shop

(5) Food Service, including but not limited to the following:

- (a) Grocery
- (b) Meat Market
- (c) Supermarket
- (d) Restaurant
- (e) Delicatessen
- (f) Cold Storage Lockers (for individual use)
- (g) Bakery
- (h) Roadside Sales Stand

(6) Personal Service, including but not limited to the following:

- (a) Barber Shop
- (b) Beauty Shop
- (c) Reducing Salon
- (d) Photographic Studio

(7) Retail Service, retail stores generally, including but not limited to the following:

- (a) Drug Store
- (b) Hardware
- (c) Stationer
- (d) News dealer
- (e) Show Room (for articles to be sold at retail)
- (f) Commercial Greenhouse (Ord. No. 1988-13, §1(15), 10-24-88)
- (g) Apparel Shop
- (h) Flower Shop

(8) Commercial Recreational Uses, including but not limited to the following:

- (a) Indoor Theater
- (b) Bowling Alley
- (c) Billiard Room
- (d) Dancing Academy
- (e) Tavern or Night Club (only in conformity with requirements of laws or ordinances governing such use)

Conducted only within buildings so constructed that no noise of, any kind produced therein shall be audible beyond the confines of the building;

(9) Private Club or Lodge;

(10) Accessory Building or Use customarily incidental to the above uses. Any building used primarily for accessory purposes may not have more than forty percent (40%) of its floor area devoted to storage purposes incidental to such primary use, and provided that no more than five (5) persons are employed at one time or on any one shift in connection with such incidental use;

(b) A General Business Use including accessory buildings and uses includes the uses specifically stated or implied as follows:

- (1) Local Business Uses;
- (2) Department Store;
- (3) Hotel;
- (4) Storage Warehouse;
- (5) Wholesale Establishment;
- (6) Motor Bus or Railroad Passenger Station;
- (7) Veterinary Hospital for small animals and Kennel;
- (8) Any Commercial Use not specifically stated or implied elsewhere in this Article and complying with the above definition.

(c) A Roadside Commercial Use is a Commercial Use primarily of a retail or service nature and included the following:

- (1) Local Business Uses;
- (2) Department Store;
- (3) Hotel;
- (4) Veterinary Hospital for small animals.

Figure 2

COMMERCIAL USES AND REQUIREMENTS

REQUIREMENTS	TYPE OF COMMERCIAL USE		
	<u>Local Business</u>	<u>General Commercial</u>	<u>Roadside Commercial</u>
District(s) in which use is permitted	C1, C2, C3, C4, I1	C2, C4, I1	C3* & C4
Min. front yard in feet in districts indicated	See Section 8-161 of this Chapter		
Min. side yard in ft. along the side street line of a corner lot where block is adjoined by a residential district	5	5	5
Min. side yard in feet where a commercial district adjoins a residential district within the block	5	5	5
Min. side yard in blocks not Including a residential district	none	none	none
Max. building height in Feet in districts indicated	C1, C4.....35 C2.....125 C3.....50 I1.....75	C2.....125 C4.....35 I1.....75	C4.....35

*Hotels and Motels only are permitted in the C-3, Shopping District

**FIGURE 2 – Cont'd
COMMERCIAL USES AND REQUIREMENTS**

REQUIREMENTS	TYPE OF COMMERCIAL USE		
	<u>Local Business</u>	<u>General Commercial</u>	<u>Roadside Commercial</u>
Min. rear yard in feet	15	15	15
Max. lot coverage in % of lot	90	90	90
Vision clearance on corner lots	Yes	Yes	Yes
Minimum lot size in sq. ft. per use in district indicated	C1.....15,000 C2.....15,000 C3.....7,500 C4.....20,000 I1.....20,000	C1.....15,000 C2.....15,000 C4.....20,000 I1.....20,000	C4.....20,000
Minimum lot width in ft. per use in district indicated	C1.....100 C2.....100 C3.....50 C4.....125 I1.....125	C1.....100 C2.....100 C4.....125 I1.....125	C4.....125

(d) Vehicle parking spaces shall be provided on the lot, or within three hundred (300) feet thereof on a site approved by the Board of Zoning Appeals, as indicated in Figure 3;

(e) Loading and Unloading Berths shall be provided on the lot as indicated in Figure 4;

(f) Provisions and Exceptions for Commercial Uses:

- (1) Vehicle Parking Requirements shall not apply in a block where fifty percent (50%) or more of the area was occupied by business or industrial structures at the time of passage of the Zoning Ordinance dated August 4, 1958;
- (2) Groups of uses requiring parking space may join in establishing group parking area with capacity aggregating that required for each participating use;
- (3) Open parking areas and loading and unloading berths shall be paved with a dustproof hard surface;
- (4) One-half of an alley abutting the rear of a lot may be included in the rear yard, but such alley space shall not be included for loading and unloading berths

(5) Where twenty-five (25) percent or more of the lots in a block are occupied by buildings, the setback of such buildings shall determine the dimension of the front yard in the block;

(6) Parking and Accessory Uses are permitted in the required front yard in a C4 District;

(7) The maximum height requirement in Figure 2 may increase if buildings are set back, from front and rear property lines, one (1) foot for each two (2) feet of additional height above the maximum height requirement;

(8) Chimneys, cooling towers, elevator bulkheads, fire towers, penthouses, stacks, tanks, water towers, transmission towers or essential mechanical appurtenances may be erected to any height not prohibited by other laws, codes or ordinances.

FIGURE 3	
COMMERCIAL USES – PARKING SPACES REQUIRED	
TYPE OF USE	PARKING SPACES REQUIRED
Uses listed in categories 3-7 inclusive, under (a) above Commercial Recreational Uses, Other than theaters, listed in category 8, Under (a) above Private Club or Lodge Department Store or other Commercial Uses included under General Commercial Uses, (b), above, except as provided for below	One space for each 125 square feet of floor area
Business Service Uses listed in category 2, under (a), above Storage Warehouse Wholesale Establishment	One space for each three (3) employees
Theaters	One space for each six (6) seats

<p style="text-align: center;">FIGURE 4</p> <p style="text-align: center;">COMMERCIAL USES – LOADING AND UNLOADING BERTHS REQUIRED</p>		
TYPE OF USE	GROSS FLOOR AREA (sq. ft.)	LOADING AND UNLOADING BERTHS REQUIRED
Retail Stores	3,000 to 15,000	1
Department Stores	15,000 to 40,000	2
Wholesale Establishments, Storage – Uses and Other Commercial Uses	Each 25,000 Additional	1 Additional
Office Buildings	100,000 or less 100,000 to 336,000 Each 200,000 Additional (Ord. No. 1-1, 1958, § 15, 8-4-58	1 2 1 Additional as amended)

Sec. 8-173 “C3” Shopping Center District Requirements and Procedures.

The Local Business uses numbers one (1) to ten (10) inclusive in Section 8-172 are permitted in the “C3” Shopping District subject to compliance with the following requirements and procedure:

(a) The tract of land involved shall be of an area of not less than five acres and lie wholly or partly within one thousand four hundred (1,400) feet of a point represented by a “C3” District symbol in the Zone Map.

(b) The owner or owners of such tract of land shall have:

(1) Prepared a plat for a subdivision of the entire tract;

(2) prepared a development plan for such entire tract to include the following minimum information and data:

- (a) The proposed name of the development;
- (b) The name and address of the developers;
- (c) The location by public way, township, and section;
- (d) The legal description;
- (e) A map including date, scale and north point, location, size, capacity, and uses of all buildings and structures existing or to be placed in the development;
- (f) The nature and intensity of the operations involved in or conducted in connection with development;

- (g) The site layout of the development including the location, size, arrangement and capacity of area to be used for vehicular access, parking, loading, and unloading;
- (h) The names of public ways giving access to the development and location, width, and names of platted public ways, railroads, parks, utility easements, and other public open spaces,
- (i) The layout of proposed public ways, their names and widths, and the widths of alleys, walkways, paths, lanes and easements;
- (j) A description of the use of adjacent property and an identification of that property;
- (k) The location, size, and arrangement of areas to be devoted to planting lawns, trees, and other site-screening activities;
- (l) The proposals for sewer, water, gas, electricity, and storm drainage;
- (m) The contours with spot evaluations of the finished grade and the directions of storm runoff;
- (n) The layout of proposed lots with their numbers and dimensions; and
- (o) The land use density factors. (Ord. No. 1989-03, § 3, (B(2)), 3-6-89)).

(3) Obtained Commission approval for both the plat for the subdivision and the development plan according to the requirements of this Article and of Title VIII of this Code. (Ord. No. 1-1, 1958, § 16,84-58)

(4) File said approved development plan and plat in the office of the Bartholomew County Recorder.

(c) If a building permit has not been obtained and tangible construction has not begun on the project two years from the date of the approval of the development plan by the Bartholomew County Plan Commission, the plan is automatically null and void, unless an extension is granted by the commission. (Ord. No. 1989-03, § 3 (B4, C, 3-6-89)

Sec. 8-174 Industrial Uses and Requirements.

The Industrial uses defined below, including accessory buildings and uses, are permitted in the districts indicated in Figure 5 in accordance with the requirements of this Section.

(a) A Light Industrial use is one which ordinarily uses only light machinery, is conducted entirely within enclosed substantially constructed buildings, does not use the open area around such buildings for storage of raw materials or manufactured products, or for any other industrial purpose other than loading and unloading operations; provided, however that the use must conform to the following performance standards:

(1) Smoke. No smoke is emitted of a density greater than No. 1 according to the Ringlemann's Scale, except that smoke of a density not in excess of No. 2 of Ringlemann's Scale shall be permitted for a period not in excess of six minutes in any hour;

(2) Fly Ash. No particles from any flue or smokestack shall exceed 0.2 grains per cubic foot of flue gas at a stack temperature of 500 degrees Fahrenheit;

(3) Dust. No dust of any kind produced by the industrial operations shall be permitted to escape beyond the confines of the building in which it is produced;

(4) Odor. No noxious odor of any kind shall be permitted to extend beyond the lot lines;

(5) Gases and Fumes. No gases or fumes, toxic to persons or injurious to property, shall be permitted to escape beyond the building in which they occur;

(6) Glare. No glare shall be seen from any street or any residential area;

(7) Vibration. No intense earth shaking vibration shall be created or maintained by any industry beyond the boundary lines of the tract on which it is located;

(8) Noise and Sound. A maximum of seventy (70) decibels at the property line is permitted. Noise is required to be muffled so as not to become objectionable due to intermittence, beat frequency or shrillness. Sound may equal but not exceed street traffic noise in the vicinity during a normal day shift work period.

(b) An Industrial use is one which requires both buildings and open areas for manufacturing, fabricating, processing, extraction, heavy repairing, dismantling, storage or disposal of equipment, raw materials, manufactured products or wastes; provided, however, that the use must conform to the following performance standards:

(1) Smoke. No smoke is emitted of a density greater than No. 2 according to the Ringlemann's Scale, except that smoke of a greater density shall be permitted for a period of not in excess of six minutes in any one hour;

(2) Fly Ash. No particles from any flue or smokestack shall exceed 0.3 grains per cubic foot of flue gas at a stack temperature of 500 degrees Fahrenheit;

(3) Dust. No dust of any kind produced by the industrial operations shall be permitted to escape beyond the limits of the property being used;

(4) Odor. No noxious odor of any kind shall be permitted to extend beyond the lot lines;

(5) Gases and Fumes. No gases or fumes toxic to persons or injurious to property shall be permitted to escape beyond the building in which it occurs;

(6) Glare. No glare shall be seen from any street or any residential area;

(7) Vibration. No intense earth shaking vibration shall be created or maintained by any industry beyond the boundary lines of the tract on which it is located;

(8) Noise and Sound. A maximum of seventy (70) decibels at the property line is permitted. Noise is required to be muffled so as not to become objectionable due to intermittence, beat frequency or shrillness. Sound may equal but not exceed street traffic noise in the vicinity during a normal day shift work period.

(c) Each Industrial Use shall provide Parking Space for each three (3) employees thereof located on the same lot as the use, or within three hundred (300) feet on a site approved by the Board.

(d) Industrial Park Requirements for the IR District

(1) Industrial development in the IR District requires approval by the Plan Commission. A plan for the proposed park shall be submitted for Commission review, and such

plan shall comply with the requirements of this section. The development plan shall contain the information and data listed in Section 8- 1 73 (b) (2) of this ordinance. (Ord. No. 1994-11, 6-20-94)

(2) The owner or owners of such tract of land shall:

- (a) Prepare a plat of a subdivision of the entire tract, if such plat is required by the Bartholomew County Subdivision Control Ordinance;
- (b) Prepare a development plan for such entire tract, or portion thereof, if the Commission permits the development to take place in phases;
- (c) Obtain Commission approval of both the plat for the subdivision and the development plan according to the requirements of the Subdivision Control Ordinance and this ordinance. (Ord. No. 1994-11, 6-20-94)

(3) The industrial park shall be designed for safe ingress and egress for the traffic, which is anticipated to use the park, including emergency vehicles. (Ord. No. 1994-11, 6-20-94)

(4) The industrial park shall be approved only if the Commission finds that existing and proposed roads to serve the development are adequate for the anticipated traffic. Any road improvements needed in order to comply with this requirement shall be made at the expense of the developer, not of the county. (Ord. No. 1994-11, 6-20-94)

(5) Whenever the Industrial Park and adjacent residential districts have a common or joint boundary; an area with a width of at least twenty-five (25) feet shall be provided for the full length of such boundary for a planting screen, planted with shrubs and trees so as to provide a tight screen effective at all seasons of the year.

(6) The owner or owners shall provide a plan for the installation of adequate facilities for the disposal of human and industrial wastes meeting the approval of the State Department of Health.

(7) The owner or owners of the district shall establish in the restriction which are part of the plat for the subdivision a perpetuating organization for the maintenance of the Industrial Park property, such as roads and planting areas, the approval of building plans and other improvements and the future maintenance of the Park.

(8) The development plan shall indicate the arrangement of the interior roads to provide a unified, self-contained arrangement of industrial sites. The basic concept of the interior road plan shall be subject to the approval of the Commission and any modifications or alterations in the basic plan shall likewise be subject to such approval.

(9) Buildings in the industrial park shall comply with the building setback requirements established by this ordinance. The Commission shall require such setbacks from adjoining residential property as necessary to protect the use and value of such property. (Ord. No. 1994-11, 6-20-94)

(10) No loading docks may be erected or used fronting on a public street. Provisions

for loading or unloading operations and any handling of freight or materials outside of any buildings shall be located so as not to face on public streets. (Ord. No. 1994-11, 6-20-94)

(11) All parking and loading areas shall be adequately screened from adjoining residential property. All parking, loading and unloading areas shall be paved with a suitable dust-free surface. (Ord. No. 1994-11, 6-20-94)

(e) Provisions and Exceptions to Industrial Uses:

(1) Vehicle parking requirements may be waived by the Board where fifty percent (50%) or more of the area in a block was occupied by business or industrial structures at the time of passage of the Zoning Ordinance dated August 4, 1958;

(2) Groups of uses requiring parking space may join in establishing group parking areas with capacity aggregating that required for each participating use;

(3) Open parking areas and loading and unloading berths shall be paved with a dustproof or hard surface;

(4) One-half of an alley abutting the rear of a lot may be included in the rear yard, but such alley space shall not be included for loading and unloading berths;

(5) The maximum height requirement in Figure 5 may be increased if the buildings are set back, from front and rear property lines, one (1) foot for each two feet of additional height above the maximum height requirements;

(6) Chimneys, cooling towers, elevator bulkheads, fire towers, penthouses, tanks, water towers, transmission towers or essential mechanical appurtenances may be erected to any height not prohibited by other laws, codes or ordinances.

FIGURE 5

INDUSTRIAL USES AND REQUIREMENTS

REQUIREMENT	TYPE OF USE	
	LIGHT INDUSTRIAL	INDUSTRIAL
Districts in which Use is permitted	C2, C4, I1, I2, IR*	I1, I2, IR*
Minimum lot size in sq. ft. per use in districts indicated	C2.....15,000	I1.....20,000
	C4.....20,000	I2.....40,000
	I1.....20,000	IR.....40,000
	I2.....30,000	
	IR.....30,000	
Minimum lot width in feet in districts indicated	C2.....100	I1.....125
	C4.....125	I2.....150
	I1.....125	IR.....150
	I2.....125	
	IR.....125	
Minimum front yard in feet	See Section 8-179 of this Chapter	
Side yard required in feet	None	None
Minimum side yard in feet, if provided	C2, C4, I1, I2, IR.....5	I1, I2.....5
		IR.....20
Minimum rear yard in feet	C2, C4, I1, I2, IR.....15	I1, I2.....15
		IR.....20
Maximum building height in feet	C2.....125	I1, I2.....75
	C4, IR.....35	IR.....35
	I1, I2.....75	
Maximum Lot Coverage (in percent) of lot	C2, C4, I1, I2.....90	I1, I2.....90
	IR.....80	IR.....80
Vision Clearance on	Yes	Yes

*When located in a planned industrial district comprising not less than twenty (20) acres and provided further that the entire area is planned for industrial use with requirements for substantial architectural design of buildings, adequate vehicle parking spaces and adequate transportation and sanitary facilities.

FIGURE 6

INDUSTRIAL USES – LOADING AND UNLOADING BERTH REQUIREMENTS

Gross Floor Area of Industrial Use In Square Feet	Number of Berths Required
15,000 or less	1
15,001 to 40,000	2
40,001 to 100,000	3
Each 40,000 additional	1 additional

(Ord. No. 1-1, 1958, § 17, 8-4-58)

Sec. 8-175 Signs

No sign other than a sign regulated under the provisions of Section 8-172 (a) 11 shall be erected or placed upon any property within the jurisdiction of the Bartholomew County Plan Commission unless such sign conforms to the requirements of this Section.

** Signs currently existing or permitted are hereby declared to be in conformity and can continue provided that the sign structure is not altered in any manner, this includes removal of the support structure by human intervention or Act of God. (Ord. No. 02-2003, 6-02-03)*

- (a) **PURPOSE.** This Section is adopted under the zoning authority of Bartholomew County for the general purposes stated in Section 8-151, and for the following purposes:

- (1) To encourage the effective use of signs as a means of communication
- (2) To maintain and enhance the aesthetic environment of Bartholomew County
- (3) To improve traffic safety
- (4) To reduce visual clutter

(b) **DEFINITIONS.** Words and phrases used in this Section shall have the meanings set forth in this Section. Words and phrases not defined in this Section but defined elsewhere in the zoning ordinance shall have the meanings set forth in such other Section. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise.

(1) Animated sign: Any sign that uses movement or change of lighting to depict action or create a special effect or scene.

(2) Banner: Any sign of lightweight fabric or similar material that is permanently mounted to a pole or a building by a permanent frame at one or more edges. National flag, state or municipal flags, or the official flag of any institution shall not be considered banners.

(3) Beacon: Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one or more beams that rotate or move.

(4) Advertising Sign or Billboard: Shall be permitted only as a conditional use in districts zoned commercial or industrial, be restricted to streets classified as primary arterial or expressways, and be subject to the following provisions: (Ordinance No. 02-2003, 6-02-03)

(a) Signs oriented to an interstate highway shall have a maximum area of six hundred seventy two (672) square feet, a maximum height of fifteen (15) feet, and a maximum length of fifty (50) feet, exclusive of any border, trim, ornamental base, apron, supports, embellishments, and other structural members, if the exclusions do not exceed ten (10%) percent of the sign area.

(b) Signs oriented to other expressways or primary arterials shall have a maximum area of 150 square feet, a maximum height of fifteen (15) feet, and a maximum length of twenty five (25) feet, exclusive of any border, trim, ornamental base, apron, supports, embellishments, and other structural members, if the exclusions do not exceed 10 percent of the sign area.

(c) Sign area shall be measured by the smallest rectangle, which will encompass the area affected.

(d) A sign structure may be double-faced, with the maximum area being allowed for each face.

(e) No sign shall be erected within one thousand (1000) feet of another sign on an interstate highway or within seven hundred fifty (750) feet of a sign on other expressways or primary arterials. This distance shall be measured along the nearest edge of the pavement between points directly opposite the signs along each side of the roadway.

(f) No sign shall be closer than one hundred (100) feet to the right-of-way line of any expressway or primary arterial.

(g) Signs may be illuminated, but flashing, intermittent or moving lights are prohibited. Signs may not be illuminated in a manner, which causes glare, driver vision impairment, or other hazard to traffic or nuisance to any neighboring property.

(h) No sign may be located or illuminated so as to obscure or interfere with the effectiveness of any official sign, device, or signal. (Ord. No. 1989-09, § 1, 15A(II)), 12-18-89)

(5) Building sign: Any sign attached to any part of a building as contrasted to a freestanding sign.

(6) Canopy sign: Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

(7) Changeable copy sign: A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight times per day shall be considered an animated sign and not a changeable copy sign for purposes of this ordinance. A sign on which the only copy that changes is an electronic or mechanical indication of the time or temperature shall be considered a time and temperature sign and not a changeable copy sign for purposes of this ordinance.

(8) **Commercial message:** Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

(9) **Development sign:** A temporary sign erected during the development of a subdivision or other construction project.

(10) **Flag:** Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

(11) **Flashing sign:** Any sign which is comprised of or contains any intermittent light of any kind, whether internal or external, including moving, blinking, or flashing lights.

(12) **Freestanding sign:** Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.

(13) **Identification sign:** A sign containing only the name and address of the occupant of the premises on which the sign is located.

(14) **Incidental sign:** A sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as "no parking," "entrance," "telephone," "loading only," and other similar directives. No sign with a commercial message legible from a vehicle on a public or private street shall be considered incidental.

(15) **Marker:** Any sign indicating the name of a building and the date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.

(16) **Marquee:** Any permanent roof-like structure projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

(17) **Marquee sign:** Any sign attached in any manner to or made a part of a marquee.

(18) **Nonconforming sign:** Any sign that does not conform to the standards and requirements of this ordinance.

(19) **Pennant:** Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

(20) **Portable sign:** Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including but not limited to signs designed to be transported by wheels, signs converted to A- or T - frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used on the streets in the normal day-to-day operation of the business.

(21) **Projecting sign:** Any sign affixed to a building or wall in such a manner that its leading edge extends more than six inches beyond the surface of such building or wall.

(22) **Residential sign:** Any sign located on a lot used for residential purposes provided that such sign contains no commercial message except advertising for goods or services legally offered on the premises where the sign is located, if offering such service at such location conforms with all requirements of the zoning ordinance.

(23) **Roof sign:** Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

(24) **Roof sign, integral:** Any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that not part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six inches.

(25) **Sign:** any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public. For purposes of this ordinance, a sign does not include any such representation, which contains only letters, or other representations, which are less than two inches in height or are not visible from a public or private street.

(26) **Street frontage:** The distance for which a lot line adjoins a public or private street or other legal access, measured along the line closest to the street of the largest rectangle that can be inscribed within the lot lines.

(27) **Suspended sign:** A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

(28) **Temporary sign:** Any sign that is used only temporarily and is not permanently mounted.

(29) **Window sign:** any sign, picture, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside or upon a window and is visible from the exterior of the window.

(c) **COMPUTATIONS.** The following rules shall control the computation of sign area and height:

(1) **Individual Signs:** The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof which will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets the requirements of this ordinance and is clearly incidental to the display itself.

(2) **Multi-faced Signs:** The sign area for a sign with more than one face shall be computed by adding together the areas of all sign faces visible from any one point. When two identical sign

faces are placed back-to-back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than forty two (42) inches apart, the sign area shall be computed by the measurement of one of the faces.

(3) Height: The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of (1) existing grade prior to construction or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the lot, whichever is lower.

(4) Maximum Total Permitted Sign Area: The permitted sum of the area of all individual signs on any lot shall be governed by the regulations contained in Tables 2, and 3. Where the limitations are based upon lot frontage, lots fronting on two or more streets are allowed the permitted sign area for each street frontage. However, the total sign area that is oriented toward a particular street may not exceed the portion of the lot's total sign area that is derived from the lot, building, or wall area on that street.

(d) **RIGHT-OF-WAY.** No sign shall be permitted within the right-of-way of any public or private street except for those signs, which are erected by a unit of government. For purposes of this Section, the right-of-way means that area so defined by the Thoroughfare Plan of Bartholomew County or that area actually dedicated or other wise acquired for right-of-way purposes by a unit of government, whichever is larger.

(e) **SIGN NOT REQUIRING PERMITS.** Signs shall be allowed within Bartholomew County without permits only in accordance with Table 1, and only if such signs comply with all other provisions of this ordinance, including but not limited to, setback, total sign area, and number, size and location of signs. The provisions of this Section do not apply to the following, which are specifically exempted:

(1) Any sign inside a building, not attached to a window or door that is not legible from a public or private street or from neighboring property.

(2) Works of art, which do not include a commercial message.

(3) Traffic control signs on private property which conform to the *Indiana Uniform Traffic Control Manual* and which do not contain a commercial message of any kind.

(4) Holiday lights and decorations with no commercial message, but only as is seasonally appropriate.

(5) Temporary or emergency signs erected by a public utility company or a contractor doing authorized work within the public right-of-way. (Ord. No. 1990-04, § 1, 3-5-90)

TABLE 1

SIGNS NOT REQUIRING PERMITS

ZONING DISTRICT

Sign Type	S-1	"R"	RM	C-1	C-2	C-3	C-4	I-1, 2	IR
Freestanding									
Residential	P	P	P	P	P	N	P	P	P
Incidental	N	N	P	P	P	P	P	P	P
Building/Wall									
Marker	P	P	P	P	P	P	P	P	P
Identification	P	P	P	P	P	P	P	P	P
Incidental	N	N	P	P	P	P	P	P	P
Residential	P	P	P	P	P	N	P	P	P
Miscellaneous									
Flag	P	P	P	P	P	P	P	P	P

P=Permitted

N=Not permitted

(Ord. No. 1990-04, §1,3-5-90)

(f) PERMITS. All signs not specifically exempted in Subsection (e) may not be placed, constructed, erected, or modified on any lot until and unless a permit for such sign has been obtained from the proper Bartholomew County authority. No sign permit of any kind shall be issued unless the sign is consistent with the requirements of this Section. The following materials are required to be submitted as part of the application for a sign permit:

- (1) Accurate locations of existing and proposed buildings, driveways, and signs.
- (2) Accurate dimensions and heights of all existing and proposed signs and computations showing the number of signs, area of each sign, and total area of all signs.
- (3) Computation of the total maximum sign area, maximum area for each individual sign, maximum heights, and maximum number of signs allowed under this Section.

(g) BUILDING CODE. All signs shall comply with the applicable provisions of the building code of current adoption.

(h) MAINTENANCE. All signs shall be maintained in good structural condition and in proper repair. Any sign which is not maintained in a manner which complies with the building code or which is in disrepair because of peeling or fading paint, missing letters or other features shall be considered to be in violation of this ordinance.

(i) VISION CLEARANCE. No sign shall be placed on any lot in such a manner as to impede sight distance at street or driveway intersections or at any other location where traffic safety would be jeopardized. As a minimum signs shall be located so that there is at every intersection a clear view between heights of three feet and ten feet in a triangle formed by the corner and points along the curb or right-of-way 30 feet from the intersection.

(j) SETBACKS. Side and rear setbacks for signs shall be in accordance with building setbacks for the zoning district in which the signs are located. No sign may be located in such a manner that direct light or significant glare from the sign is cast onto any adjacent lot that is zoned or used for residential purposes. (Ord. No. 1990-04, § 1, 3-5-90)

(k) COMMON SIGN PLAN. For any lot containing more than one principal use or for unified centers or for contiguous lots whose owners wish to utilize a common sign plan, the Plan Commission may grant exceptions to the height, number, and/or area provided a common sign plan is approved by the Commission. Common sign plans shall be subject to the provisions of this subsection.

- (1) Freestanding signs must be for common or shared use.
- (2) Freestanding signs are not permitted to contain a listing of tenants within the area covered by the plan, whether such list is on the main portion of the sign or attached by any other means to the sign or supporting structure thereof.
- (3) All existing signs on the property included in the common sign plan must conform to the plan, or a schedule must be provided for bringing all such signs into compliance with the plan within three years.

- (4) A common sign plan submitted for Plan Commission approval must contain the following minimum elements:

- (a) Accurate locations of all existing and proposed buildings, driveways, landscaping, and signs.
- (b) Color scheme, material, and lettering or graphic style for all signs to be located on the property.
- (c) Lighting of signs.

(l) NONCONFORMING SIGNS. All nonconforming signs shall be subject to the provisions of this Section.

- (1) Any sign lawfully erected prior to the effective date of this ordinance shall be declared a legal nonconforming use, but the burden of proof shall rest with the property owner or agent thereof and not with Bartholomew County.
- (2) Notwithstanding subsection 1 above, nonconforming signs shall be subject to the provisions of subsection (h). (Ord. No. 1990-04, § 1, 3-5-90)

(m) Sign Development Plan. In any commercial or industrial district, the owner of property with special or unusual development problems, or needs for compatibility, may apply to the Commission for approval of a sign development plan for signs not otherwise permitted hereunder.

- (1) The Commission shall approve sign development plans, even if the signs included do not comply with all of the requirements set forth herein, if they meet with the following standards:
 - (a) The type, number, size construction materials and design of all signs in the sign development plan are properly related to location of the use, the land area of the site, and the sizes, design, and the construction materials of all buildings and structures on the site.
 - (b) The type, number, size, construction materials and design of all signs in the sign development plan effectively communicate the uses of the site to motorist or pedestrians, as applicable.
 - (c) The signs are appropriate to the development or the architectural character of the building in which the use is located.
 - (d) The sign development plan is consistent with this chapter and the comprehensive plan.
- (2) The application for a sign development plan shall include a visual representation of each sign, including placement, area, height, design, location on the site and a description of the materials to be used in construction.

- (3) After any use has had a sign development plan approved by the Commission, such use shall not display any signs which do not comply with the sign development plan.
- (4) The staff may approve minor modifications to an approved sign development plan which do not:
- (a) Increase the area of the total of the signs by more than five percent (5%).
 - (b) Alter the relationship of the signs to any neighboring property.
 - (c) Change the location of any signs as to increase the nonconformity of such signs with setback requirements, interfere with any pedestrian or vehicular traffic, interrupt architectural details, or otherwise significantly deviate from the sign development plan approved by the Commission.

TABLE 2

NUMBER, DIMENSIONS, AND LOCATION OF INDIVIDUAL SIGNS BY ZONING DISTRICT (Ord. No.1991-11, § 1, 9-30-91)

ZONING DISTRICT

Sign Type	S-1	"R"	RM	C-1	C-2	C-3	C-4	I-1	I-2	IR
Freestanding Development										
Max. Sq. Ft./Sign	32	32	32	32	32	*	60	200	500	*
Max. Height ² (ft)	10	10	10	15	15	*	15	15	15	*
Max. No./Lot	1	1	NA	NA	NA	*	NA	NA	NA	*
Min. Front Setback (ft)	5	5	5	10	10	*	10	10	10	10
Other										
Max. Sq. Ft./Sign	6	6	32	40	60	*	100	100	500	*
Max. Height ² (ft)	5	5	5	15	15	*	35	15	15	*
Max. No./Ft. Frontage	1/200	NA	1/200	1/200	1/200	*	1/200	1/200	1/800	*
Min. Front Setback (ft)	5	5	5	5	5	*	5	5	5	*
Building										
Max. Sq. Ft./Sign	2	2	30	NA	NA	*	NA	NA	NA	*
No./Building	NA	NA	1	1/wall ³ or 1/business (strip center)						
% Wall Area ⁴	NA	NA	5%	10%	15%	*	20%	10%	5%	*

*Sign plan for the project is subject to development plan review by the Plan Commission.

¹Incidental, identification, building marker, and flags are not included in the total.

²In no case shall the sign height exceed the actual setback from the right-of-way line as determined by the Bartholomew County Thoroughfare Plan.

³Only walls which front on public streets or off-street parking areas may be counted.

⁴The percentage shall mean the percentage of the area of the wall of which such sign is a part or to which each such sign is nearly parallel.

TABLE 3

MAXIMUM TOTAL SIGN AREA PER LOT

ZONING DISTRICT

Lesser of:	S-1	"R"	RM	C-1	C-2	C-3	C-4	I-1	I-2	IR
Developmental Signs										
No./sq. ft. of lineal street frontage	1/500	1/500	1/500	1/500	1/500	*	1/500	1/500	1/500	*
Other Signs										
Max. # sq. ft./lot	24	8	200	200	300	*	400	500	1000	*
% Ground Floor of Principal Building	NA	NA	NA	4%	6%	*	6%	2%	2%	*
Max. sq. ft./lineal ft. of street frontage	.05	NA	NA	2.0	3.0	*	4.0	2.0	1.0	*

*Sign plan for the project is subject to development plan review by the Plan Commission.

(Ord. No. 1990-04, § 1,3-5-90)

TABLE 4

MAXIMUM NUMBER AND DIMENSIONS OF SIGNS BY TYPE

VERTICLE CLEARANCE

Sign Type	Maximum Number	Maximum Area	From Sidewalk	From Public Street
<i>Building</i>				
Banner ¹	NA	60 sq. ft.	NA	NA
Marker	1/building	4 sq. ft.	NA	NA
Canopy	1/40 linear ft. of building frontage	25% of vertical surface	9 ft.	12 ft.
Identification	1/address	2 sq. ft.	NA	NA
Incidental	NA	NA	NA	NA
Marquee	1/building	NA	9 ft.	12 ft.
Projecting	1/building	NA	9 ft.	12 ft.
Residential	NA	NA	NA	NA
Roof	1/building	NA	NA	NA
Roof, Integral	2/building	NA	NA	NA
Suspended	1/entrance	2 sq. ft./sign	9 ft.	12 ft.
Temporary	NA	NA	NA	NA
Wall	See Table 2	NA	NA	NA
Window	NA	25% of window area	NA	NA
<i>Miscellaneous</i>				
Banner ¹	NA	60 sq. ft.	9 ft.	12 ft.
Flag	NA	NA	9 ft.	12 ft.

¹A Banner may substitute for a wall sign or a freestanding sign.

(Ord. No. 1991-11, § 1,9-30-91)

TABLE 5

LIMITATIONS ON TYPES OF SIGNS BY ZONING DISTRICTS

ZONING DISTRICT									
Sign Type	S-1	"R"	M-1	C-1	C-2	C-3	C-4	I-1, 2	IR
Animated	N	N	N	N	N	N	N	N	N
Changeable	N	N	N	C	C	*	C	N	N
Internally Illuminated	N	N	S	S	S	*	S	S	*
Externally Illuminated	N	N	S	S	S	*	S	S	*
Exposed Bulbs	N	N	N	N	N	N	N	N	N
Neon Tubes	N	N	N	S	S	*	S	N	N
Flashing	N	N	N	N	N	N	N	N	N
Pennant	N	N	N	N	N	N	N	N	N
Beacon	N	N	N	N	N	N	N	N	N
Portable ¹	N	N	N	N	N	N	N	N	N
Temporary	N ²	N ²	N ³	N ³	N ³	*	N ³	N ³	N ³

N=Not Permitted C=Conditional Use Permit Required S=Sign Permit Required

*Sign plan for the project is subject to development plan review by the Plan Commission.

¹Excepting "For Sale" or "For Lease" signs.

²Except for development signs, which may be externally lighted.

³Except for signs announcing special events such as grand openings of businesses, for a total of 60 days in any calendar year on any lot or premises.

Section 8-176 Uses Permitted in all Zoning Districts

(a) The uses listed below are permitted in all zoning districts:

- (1) Agriculture
- (2) Plant nursery, not including retail sales
- (3) Public park or recreational facility
- (4) Home occupation
- (5) Essential service structures including but not limited to overhead or underground gas, electrical, telephone, telegraph, steam, fuel or water transmission or distribution systems, collection communication, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, traffic signals, hydrants, and similar accessories in connection therewith, but not including buildings other than incidental storage buildings (Ord. No. 1994-11, 6-20-94) (b)

(b) The maximum height for structures associated with the uses listed above is unrestricted. (Ord. No. 1994- 11-6-20-94)

Sec. 8-177 Conditional Uses and Procedures (Figure 7)

FIGURE 7

Use	District	Use	District
Airport or heliport	All	Lodge or club	All
Advertising Sign or Billboard (Ord. No. 02-2003, 6-02-03)	C1, C2, C3, C4, I1, I2, IR	Mineral extraction	All except R1, R1a, R1b, S2, S3
Bed & Breakfast use, provided that such use is incidental to the primary use as a residence	All	Mobile home development	S1, S2, S3, R1, R1a, R1b
Campground, tourist, or trailer court	All	Mobile Home as a temporary use, for a period of no more than four years, on a parcel which already contains a dwelling. Mobile homes must be located in the side or rear yard, and must be used by relatives of the property owner (either as a residence for someone acting as a care-provider for someone living in the other dwelling unit, or by a relative who is being cared for by someone living in the other dwelling unit on the parcel). At least one of the occupants must be over the age of 65, or in ill health or at a level of dependency where on-site care is necessary, as certified by a physician. After a two-year period, petitioner must furnish up- to-date documentation of the continuing medical condition to the staff. The mobile home must be removed as soon as it is no longer needed for the care arrangement.	S1, R1, R1a, R1b (Ord. No. 1994-18)
Cemetery, columbarium, crematory	All	Nursing Home	All
Church	All	Penal or correctional institution	All except R1, R1a, R1b, S2, S3
College or University	All	Public Building or Use	All
Commercial agricultural uses, such as wineries or cider mills; commercial greenhouses; rural retail businesses such as farm markets, craft shops and similar uses compatible with agriculture and rural areas	All	Recreational development, other than a public park, including but not limited to golf course, country club, driving range, riding academy, fishing or hunting lodge, swimming pool, stadium, amphitheater, batting cage, amusement park, and similar uses	All
Home business, provided that such use is incidental to the primary uses as a residence	All	Restaurant or other commercial use utilizing drive thru service	C1, C2, C4, I1, I2
Junk Yard	All except R1, R1a, R1b, S2, S3	Schools, public or private	All
Kennel	All except R1, R1a, R1b, S2, S3	Trailer or mobile home subdivision	S3, R1, R1a, R2b

(a) Uses Permitted

The Conditional Uses listed in Figure 7 and their accessory buildings and uses may be permitted by the Board in the districts indicated in accordance with the procedures set forth in Division IV. Each conditional use shall comply with the standards set forth for such use in this ordinance. The conditional use requirements do not apply to any use in a district where such use is listed as a permitted use.

(b) Parking

The Board shall require each approved conditional use to have adequate off-street parking. Parking areas may be required to be paved with a dust free surface. In determining parking requirements, the Board shall use the most recent information available from the Institute of Traffic Engineers. (Ord. No.1994-11, 6-20-94)

Sec. 8-178 Nonconforming Use Specifications.

The lawful use of a building or premises, existing at the time of passage of the Zoning Ordinance dated August 4, 1958, may be continued although such use does not conform to all the provisions of this article, except as hereinafter provided.

(a) A Nonconforming Use may be extended throughout a building provided no structural alterations are made therein, except those required by law.

(b) A Nonconforming Use may be changed to another Nonconforming Use of the same or greater restrictions, provided no structural changes are made in the building. Whenever a Nonconforming Use has been changed to a Conforming Use or to a use permitted in a district of greater restrictions, it shall not thereafter be changed to a Nonconforming Use of a less restricted one.

(c) No building shall be erected upon any premises devoted to a Nonconforming Use, except in conformance with the regulations of this Article.

(d) The Board may authorize, by written permit, in a residentially zoned district for a period of not more than one (1) year from the date of such permit, a temporary building for Commercial or Industrial Use incidental to the residential construction and development of said district.

(e) In the event that a Nonconforming Use of any building or premises is discontinued for a period of one (1) year, the use of the same shall thereafter conform to the uses permitted in the district in which it is located.

(f) These provisions apply in the same manner to a use, which may become a Nonconforming Use due to a later amendment to this Article. (Ord. No. 1-1, 1958, 5 20, 8-4-58, as amended)

Sec. 8-179 Waste Disposal Overlay District.

This district is established to provide suitable locations for handling and disposal of wastes by a public governmental agency on land in Bartholomew County. Because these uses often are temporary, the underlying zoning remains in effect to govern uses of the land before and after waste disposal activities take place on the property. In establishing this district, the County

recognizes that disposal of waste by a public governmental agency is an essential function in the community and that the specific requirements of such an operation will vary with the nature of the operation and its location. It is the intent of this district to allow needed flexibility in the siting, development, and operation of publicly owned waste disposal facilities. It also is the intent of this district to establish regulations, which are necessary to promote the public health, safety, and general welfare of the community.

(a) Procedure for Designating Waste Disposal Overlay Districts

(1) Application for designation of a Waste Disposal Overlay District shall be made to the Bartholomew County Plan Commission in the same manner as an amendment to the zoning map. The application shall include the following materials:

- Evidence that the property proposed for designation as a Waste Disposal Overlay District is publicly owned or leased or is under option for purchase or lease by a qualified public entity
- Legal description of the property included in the request
- Drawing indicating existing features of the site and property within one half mile of the site, including significant vegetation, water features, topography, soil characteristics, flood hazard areas, drainage, structures, land uses, zoning, and any other pertinent features
- Site plan showing the details of the proposed development, including proposed structures, fill areas and maximum heights of fill, borrow areas, access drives, parking areas, screening and/or buffering, and any other similar information the County deems pertinent to the request
- Proposed hours of operation

(2) The Plan Commission shall hold a public hearing on the request and make a favorable recommendation, unfavorable recommendation, or no recommendation to the Board of County Commissioners regarding it. Such hearing shall be conducted in accordance with IC 36-7-4 and with the Commission's Rules of Procedure.

(3) In making a favorable recommendation to the Board of County Commissioners, the Plan Commission may suggest such conditions of approval, as it deems appropriate to ensure consistency with the spirit and intent of this ordinance.

(4) The Board of County Commissioners shall approve or deny the request in the same manner as an amendment to the zoning map. The Board of County Commissioners shall hold a public hearing at the meeting at which the ordinance will be decided. In approving the request, the Board of County Commissioners may impose such conditions, as it deems appropriate to ensure consistency with the spirit and intent of this ordinance. These conditions may be, but are not required to be, those suggested by the Plan Commission.

(5) If a Waste Disposal Overlay District is approved by the Board of County Commissioners, the property may be developed for said use only in accordance with the approved plan for the district. Any material changes to said plan must be approved by the Board of County Commissioners, which may refer proposed changes to the Plan Commission for review and recommendation.

(6) For so long as the parcel is being actively pursued for the waste disposal facility, the Waste Disposal Overlay District shall continue. In the event that a parcel approved as a Waste Disposal Overlay District is not being actively pursued for the waste disposal facility for a consecutive period of two years, such approval shall be null and void and the underlying district shall govern the development of the property. However, the Board of County Commissioners may grant extensions to the approval period, provided the date of expiration of such extension is established.

(7) No construction of any waste disposal facility may be commenced until all required permits are obtained, including but not limited to an Indiana Department of Environmental Management permit, a zoning compliance certificate, and an improvement location permit. Construction includes any grading, filling, excavation, structural alterations or other similar activity. Any such activity, which is required in order to obtain needed permits, such as soil borings, is excluded from this provision.

(b) The Waste Disposal Overlay District may be applied to any underlying zoning district established by the Bartholomew County Zoning Ordinance, provided the proposed waste disposal facility complies with the requirements of this section.

(1) The Waste Disposal Overlay District is restricted to lands used by a public entity for handling and disposal of wastes.

(2) The property proposed for the waste disposal facility shall be large enough to accommodate the use and any accessory or ancillary activities, including parking, loading, landscaping, offices, storage buildings, and utilities.

(3) All waste disposal facilities shall have adequate access and adequate street frontage. The County may require on-site and/or off-site improvements to infrastructure in order to ensure safe and proper access to the facility. In making this determination, the County shall consider the types, sizes, and numbers of vehicles, which are expected to use the facility.

(4) All waste disposal facilities shall be adequately screened and buffered from neighboring land uses. Screening may consist of berms, landscaping, fencing, or a combination thereof. Outdoor storage may not exceed the height of the screen. The County may require minimum separation distances between the facility and adjacent land uses.

(5) The County shall impose such requirements as are necessary to reasonably mitigate adverse effects of waste disposal facilities. Such requirements include but are not limited to height limitations, dust control, erosion control, noise control, and limitations on the hours of operation.

(6) Signs associated with the waste disposal facility shall comply with the provisions of Section 8-175 of the Bartholomew County Zoning Ordinance, unless the County approves specific modifications to those regulations as part of the approval of the overlay districts.

(7) The County may require financial guarantees of performance in order to provide assurance that the waste disposal facility will be completed in conformance with the approved plan.

(8) The County may impose such other conditions as are appropriate and deemed necessary for consistency with the spirit and intent of this ordinance. (Ord. No. 1994 -IO)

Sec. 8-180 Telecommunications Facilities

(a) PURPOSE. This Chapter is intended to regulate the construction, placement and modification of telecommunication facilities; to preserve the aesthetic character of the Bartholomew County and surrounding jurisdiction and to minimize the land use impact of such facilities while providing the community with the benefit of new technological advances in telecommunications; to promote long-range planning between the county and the providers of telecommunications and among the providers of communications; and to protect the public health, safety and general welfare of the community and to further the goals and policies of the Comprehensive Plan, by:

1. Permitting the location of towers in non-residential areas;
2. Avoiding damage to the adjacent properties from tower failure by requiring structural standards and setback distances;
3. Minimizing the adverse visual effects of towers through careful design and siting standards;
4. Maintaining and enhancing the aesthetic environment of the county;
5. Reducing the proliferation of towers through tower-share requirements for all new construction and those existing towers that are physically capable of sharing;
6. Encouraging the use of already existing structures, whether publicly or privately owned, such as water towers, silos, steeples and other tall structures as prime sites for new antenna sites;
7. Discouraging the siting of telecommunication facilities in residential areas;
8. Providing for the siting of telecommunication facilities, which may deviate from the regulations of this Chapter upon approval of the Plan Commission or Board of Zoning Appeals, as appropriate;
9. Providing for the administration and enforcement of this Chapter.

(b) DEFINITIONS. Words and phrases in this Section shall have the meanings set forth in this section. Words and phrases not defined in this Section but defined elsewhere in the zoning ordinance shall have the meaning set forth in such Section. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise.

1. Act: The Communications Act of 1934, as amended from time to time, including the Telecommunications Act of 1996, as amended from time to time.

2. Alternative Tower Structure: Man-made structures such as clock towers, steeples, light poles, roof tops, antennas integrated into existing architecture or similar alternative designed mounting structures or methods that camouflage or conceal the presence of antennas or towers.

3. Antenna: Any exterior apparatus designed to send and/or receive electromagnetic waves for the purpose of telephonic, radio or television communications.

4. Cellular Telecommunications: A commercial wireless radio service licensed by the Federal Communications Commissions, which provides telecommunications service permitting customers to use wireless telephone technology such as, but not limited to, portable phones, pagers, faxes and computers.

5. Co-location: Locating telecommunication facilities from more than one provider on a single site or structure.

6. FCC: Federal Communications Commission, or any successor thereto

7. Lattice Tower: A self supported three or four sided, open, steel frame structure, which is intended for receiving or transmitting any form of electronic communication.

8. Monopole Tower: A communication tower consisting of a single pole, constructed without guy wires and ground anchors, which is intended for receiving or transmitting any form of electronic communication.

9. Stealth Facility: Any telecommunications facility which is designed to blend into the surrounding environment; including, but not limited to, architecturally screened roof-mounted antennas, building-mounted antennas painted to match the existing structure or integrated into existing architectural elements, towers designed to look like trees or designed to look like light poles, silos or other man-made structures.

10. Telecommunications Facility: A cellular telecommunications facility consisting of the any of the equipment and structures involved in transmitting signals for cellular telecommunications.

11. Tower Height: The vertical distance measured from grade level to the highest point of the structure.

(c) PERMITTED TELECOMMUNICATION FACILITIES

1. Telecommunication facilities meeting the following requirements shall constitute permitted uses in I-1 and I-2 zoning districts:

(A) The telecommunications facility is designed, constructed and placed to minimize the visual impact by (i) use of an alternative tower structure; (ii) co-location; (iii) use of a stealth facility; (iv) if new construction, structurally designed and capable of allowing other carriers to co-locate on the tower structure; (v) the use of color or camouflaging architectural treatment, or (vi) the telecommunications facility is located on public land or in the public right of way as set forth in subsection (h).

(B) Notwithstanding anything else in this Chapter 8, the tower height for a stand-alone tower shall not exceed 60 feet if it is designed to accommodate only one service provider; 100 feet if it is designed to accommodate only two service providers; and 300 feet if it is designed to accommodate more than two providers.

(C) Telecommunication facilities attached to other structures shall not exceed the greater of (i) the height requirement in the zoning district which they are located by more than ten feet or (ii) the height of the structure on which such facilities are attached by more than 20 feet, without a variance. The Board of Zoning Appeals may grant such a variance only if the applicant provides a report from a professional registered engineer with a specialization in cellular telecommunications as to the minimum tower height needed by the applicant, evidence that there are no other suitable structures for co-location that meet the applicant's requirements, and, if requested by staff, a visual impact analysis required by subsection (e) 5. (B.), (C.), and (E.).

(D) If the property is being leased, the provider shall enter into a written easement agreement with the owner of the property, which shall include a platted area for the location of the telecommunications facility, which shall be duly recorded. If the property is owned or leased by the provider, unless the telecommunications facility is attached to an already existing structure, the platted area for the tower shall be the only use permitted on the platted easement or property.

(E.) All new tower construction shall be monopole towers, unless the applicant provides a written report from a registered professional engineer, with a specialization in geotechnical engineering, that the cost of such a tower at such site be twice the normal cost of constructing a monopole tower due to specific conditions present at the site. Any proposed alternative shall be a lattice tower and shall meet the standards in subsection (e) 3. The county engineer shall review the application and determine either (i) determine if the report is complete and correct, or (ii) at the discretion of the county engineer, hire an independent consultant at the expense of the applicant, to determine if such report is complete and correct. No tower shall be constructed unless the county engineer or such consultant issues a letter that the tower meets the safety requirements of this ordinance.

2. Alternative tower structures shall be permitted in all districts if the structures are designed and placed to minimize the visual impact of the structure, are stealth facilities, or if placed on existing structures do not exceed the height of the existing structure by more than twenty (20) feet. In all cases such structures shall meet all other zoning requirements.

3. Telecommunication facilities shall be permitted in all districts if located on public land or in the public right of way as set forth in subsection (h) below.

4. All applications for a Zoning Compliance Certificate for a telecommunication facility shall provide the staff with the following items, along with the other requirements of the zoning compliance certificate application:

(A.) Written approval from, or a certified copy of any necessary application to, all relevant federal and state agencies including, but not limited to, the Federal Aviation Administration (including a copy of the FAA's response to the "Notice of Proposed Construction or Alteration" (FAA Form 7460-1) or any successor thereto), the Federal Communications Commission, the U.S. Environment Protection Agency, and the Indiana Department of Environmental Management.

(B.) A list of the applicant's existing facilities within jurisdiction of Bartholomew County, and a master plan setting forth any potential future telecommunication facilities in the county's jurisdiction.

- i. This list shall include specific information as to the location (by address and State of Indiana Planning Coordinates), height, design, including the technical feasibility of allowing other providers to co-locate on the facility and the terms and conditions for co-location on the facility.

(C.) In the case of a new tower facility, the information required in subsection 8.180 5., (B.), (C.) and (E).

5. Any telecommunications facility required by the state, city or county governments for emergency purposes shall be exempt from the requirements of this Section.

(d.) TELECOMMUNICATION FACILITIES AS AN ACCESSORY USE. Antennas and other telecommunication facilities may constitute an accessory use in C1, C2, C3 and C4 zoning districts if the telecommunications facilities use an alternative tower structure as defined in subsection (b), or if such telecommunications facilities are co-located with an already existing telecommunications facility. If located on the roof of an associated principal building, the building must be at least three stories high, and the telecommunications facilities may exceed the height restrictions of the applicable district by a maximum of twenty (20) feet.

(e) TELECOMMUNICATION FACILITIES AS A CONDITIONAL USE. All telecommunication facilities not meeting the criteria set forth in subsections (c.) or (d) shall require a conditional use permit. Each application for a conditional use shall include the following:

1. In the case of a new tower structure, evidence demonstrating that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence shall consist of at least one of the following:

(A.) Evidence that there are no existing towers or structures meeting the applicant's engineering requirements within the geographic area that the antenna is intended to serve;

(B.) If there are towers or structures in the geographic area, evidence that such towers or structures do not have sufficient height or structural strength to meet the applicant's engineering requirements;

(C.) Evidence that the applicant's proposed antenna would cause electromagnetic (EMF) interference with the antenna of existing towers or structures, or vice versa;

(D.) A financial analysis that the fees, costs or contractual provisions required by the owner of the property in order to co-locate, or to adapt an existing tower or structure to make it suitable for co-location, exceeds the cost of new tower development. Such analysis shall include written lease/cost estimates from the owner of the tower or structure;

(E.) Evidence as to the minimum height of tower needed by the applicant, taking into account the need for a higher tower for co-location purposes;

(F.) The applicant demonstrates that there are other factors that render existing towers unusable.

2. In the case of a new tower development or the use of an existing structure as a telecommunications tower for the first time, a notarized letter of intent committing the owner and any lessee, on behalf of themselves and their successors in interest, that the tower structure shall be shared with additional users;

3. In the case of a new tower structure, such structure shall be a monopole tower, except as provided in subsection (c) 1. (E). If feasible, such tower shall be designed as a stealth facility. Any application for a telecommunications tower shall include certification by a qualified and licensed professional engineer that the design of the antenna support tower conforms to the latest structural standards and wind loading requirements of the Uniform Building Code and the Electronics Industry Association, including, but not limited to, certification that such tower is designed and will be constructed in such a manner that in the case of tower failure, such tower

will either fold upon itself or collapse upon itself. Such certification shall take into account the proposed users of, and possible future co-locators on, the antenna structure.

4. Commercial telecommunication service providers shall provide documentation that the proposed telecommunication facilities comply, or will on completion comply, with the latest applicable federal and state environmental, health and safety standards and regulations, including, but not limited to, those established by the Federal Communications Commission on Radio Frequency Emissions (REF).

5. In the case of a new tower, or when an existing tower structure is being enlarged in size, a visual impact analysis shall be prepared and certified by a qualified licensed engineer or architect, which analysis shall include the following information:

(A.) A site plan prepared by a registered land surveyor licensed in the State of Indiana;

(B.) Identification of significant existing natural and manmade features adjacent to the proposed tower location, indicating those features that will buffer the proposed tower from adjacent property and rights of way;

(C.) Identification of at least three specific points, which are reasonably equidistant, within a three (3) mile radius of the proposed tower from which the line of sight analysis is presented. The exact number and location of these line of sight points shall be determined after consultation with staff prior to the preparation and completion of the analysis. The applicant shall then prepare a graphic illustration of the visual impact of the proposed tower. Such graphic illustration shall be a computer enhanced photograph with the computer-generated image of the tower depicted to an accurate scale. Each photograph shall be accompanied by text describing the point where the photograph was taken and how many feet it is from the proposed tower;

(D.) A description of the visual and aesthetic impact of the proposed tower on all adjacent properties and properties within a 2,000 foot radius of the tower. The applicant shall also provide a specific explanation of the feasibility of camouflage given the needed height of the tower;

(E.) A site plan showing all proposed landscaping and buffering. All such plans shall provide that the lowest six (6) feet of the tower or facility be fenced by a chain link fence and screened with a solid, opaque buffer of living evergreens at least six feet tall. Any building not enclosed within such fenced area shall not be required to be landscaped in such a manner; and

(F.) Any additional information requested by staff in order to fully review and evaluate the impact.

6. The Findings of Fact for any decision of the Board of Zoning Appeals denying an application for a telecommunications facility shall be supported by substantial evidence.

7. Within forty-five days after the completion of any telecommunications facility which is being used for the first time as a telecommunications facility (including the attachment of an antenna to an existing structure), the operator or owner shall provide a certificate from a registered professional engineer to the effect that the structure meets all of the requirements set forth in the approved plans.

(f) SETBACK, PLACEMENT, LIGHTING AND INSURANCE. All telecommunication facilities shall comply with the setback requirement for structures in the zoning district in which it is located, plus any additional distance set forth below.

1. Antennas attached to existing structures shall have the same minimum setback as the structure to which they are attached; provided that any such antenna shall be placed so as to be as inconspicuous as possible as determined in consultation with staff.

2. The required setback for property in an SI, S2, S3, R1, RIA RIB or M1 district, or for a tower located within 1000 feet of an SI, S2, S3, R1, RIA RIB or M1 district, other than a tower complying with 1 above, shall be calculated by adding the required setback for the district in which such tower is located to the greater of (1) 500 feet or (2) the tower height.

3. The required setback from I1, I2, C1, C2, C3 or C4 district, or for a tower located within 1 000 feet of a C1, C2, C3 or C4 district, other than a tower complying with I above, shall be calculated by adding the required setback for the district in which such tower is located to the tower height.

4. Towers shall not be illuminated by artificial means unless such lighting is required for such tower by the Federal Aviation Administration or other federal or state authority.

5. All owners/providers of telecommunications facilities shall annually provide the Planning Department with evidence of adequate liability insurance protecting against personal injury or property damage resulting from the construction, failure or collapse of a tower, antenna or accessory equipment.

(g.) INTERFERENCE WITH PUBLIC SAFETY TELECOMMUNICATIONS

1. No new or existing telecommunications facility shall interfere with public safety telecommunications. All applications for new service shall be accompanied by an intermodulation study, prepared by a registered professional licensed engineer with a specialization in telecommunications, which provides an evaluation of existing and proposed transmission and indicates all potential interference problems.

2. Prior to the commencement of any new service or any change in any existing service, the provide, shall give the county ten working days advance notice of such changes, so that such changes may be monitored by the county to ensure that there is no interference with public safety telecommunications. If such interference occurs, it shall be the obligation of the provider to eliminate such interference.

(h.) LOCATING COMMUNICATION FACILITIES ON PUBLIC LAND. Antennas and towers may be located and maintained on property of the county, including the public right of way, under the following provisions:

1. If the site is to be an alternate tower structure using an already existing structure, the applicant shall provide to the director of the Planning Department a written request setting forth the proposed site, height and evaluation of the compatibility with the existing facility.

2 If the site is a new facility to be constructed on public land, the applicant shall provide

to the director of the Planning Department all of the above information, but also provide an analysis of the proposal's compliance with the Comprehensive Plan and the zoning ordinance.

3. The director of the Planning Department, or a member of staff appointed by the director, will review the plan within ten (10) working days after submission and schedule a meeting with the applicant to discuss the plan. The applicant may then make such modifications or changes to the request as the applicant deems necessary.

4. The applicant shall then submit a request to the appropriate public body, which has jurisdiction over the site or facility proposed to be used, for permission to use such site.

5. If the applicant executes a contract with the appropriate body, the applicant shall then make an application for a certificate of zoning compliance certificate or a conditional use permit, as applicable. The applicant shall include a copy of the executed contract as part of the application.

(i.) REMOVAL

1. The owner of any telecommunications facility shall file annually with the Planning Department a report certifying the continuing operation of every facility located at any telecommunications facilities. Failure to so file shall be deemed to mean that the facility is no longer in operation. Each operator of a telecommunications facility shall send to the Planning Department of the county a copy of any notice sent to the FCC of intention to cease operations. Any abandoned or unused facility shall be removed (including the tower, support structure and buildings) within 180 days of ceasing to be used as a telecommunications facility and the site shall be restored to its original state, at the expense of the owner of the property. Any owner of property leased to a telecommunications provider may require the lessee to remove any tower and associated facilities upon cessation of operation of the facility as a telecommunications facility.

If the site is an alternative tower structure and is used for purposes other than telecommunication facilities, only the antenna and other equipment related to the telecommunications use need to be removed, and the structure shall be restored to its original state.

2. If the tower and associated facilities are not removed within such time, the tower and associated facilities shall be deemed a nuisance under Indiana State Statutes, and the tower and associated facilities may be removed by the county and the costs billed to the owner. If such costs are not paid within 60 day of billing, the county may seek injunctive relief or other remedy from a court of competent jurisdiction and the costs of removal of the telecommunications facility plus the costs of enforcement may be assessed as a lien against the property. A change of venue from Bartholomew County shall not be granted in such a case, as provided in IC 36-7-4-1014.

(j.) EXISTING TELECOMMUNICATION FACILITIES

1. Lawfully existing telecommunication facilities that so not conform with the above provisions shall be considered legal nonconforming uses, subject to Section 8-178. However placing additional antennas on a nonconforming structure in accordance with this chapter shall

not be considered an expansion of the nonconforming use, nor shall it be considered to be an increase in the degree of nonconformity.

(k.) TEMPORARY TELECOMMUNICATION FACILITIES

1. Temporary telecommunication facilities or antennas shall be permitted for emergency communication, or in the even of equipment failure for a maximum period of two (2) weeks, provided that the owner/provider of such temporary facility or antenna shall be in compliance with Section 8- (f) 5.

Section 8-181 Through Section 8-189 Reserved

Division III. Flood Plain Development and Management.⁶

Sec. 8-190 Statutory Authority.

The Indiana Legislature granted the power to local units of government (I. C. 36-7-4) to control land use within their jurisdictions in order to accomplish the following. (Ord. No. 1990-03, § 1.0,4-2-90)

Sec. 8-191 Statement of Purpose.

The purpose of this Division is to guide development in the flood hazard areas in order to reduce the potential for loss of life and property, reduce the potential for health and safety hazards, and to reduce the potential for extraordinary public expenditures for flood protection and relief. Under the authority granted to local units of government to control land use within their jurisdiction, which includes taking into account the effects of flooding, the County Commissioners adopt the following floodplain management regulations in order to accomplish the following:

- (a) to prevent unwise developments from increasing flood or drainage hazards to others;
- (b) to protect new buildings and major improvements to buildings from flood damage;
- (c) to protect human life and health from the hazards of flooding;
- (d) to lessen the burden on the taxpayer for flood control projects, repairs to flood-damaged public facilities and utilities, and flood rescue and relief operations;
- (e) to maintain property values and a stable tax base by minimizing the potential for creating flood blighted areas; and
- (f) to make federally subsidized flood insurance available for property in the county by fulfilling the requirements of the National Flood Insurance Program. (Ord. No. 1990-03, S 2.0, 4-2-90)

⁶ **Editor's Note:** Ord No. 1987-12, 51, 7-20-87 provided that Section 29 of the Zoning Ordinance be used exclusively for the administration of flood plain regulations in the flood - prone areas of Bartholomew County, that Flood Plain (FP) Descriptions be eliminated and that Zoning be rezoned to conventional districts.

Sec. 8-192 Definitions.

BUILDING. See "Structure."

DEVELOPMENT. Any man-made change to improved or unimproved real estate including, but not limited to:

- (a) Construction, reconstruction, or placement of a building or any addition to a building valued at more than \$1,000.00;
- (b) Installing a manufactured home on a site, preparing a site for a manufactured home or installing a travel trailer on a site for more than 180 days;
- (c) Installing utilities, erection of walls and fences, construction of roads, or similar projects;
- (d) Construction of flood control structures such as levees, dikes, channel improvements, etc.;
- (e) Mining, dredging, filling, grading, paving, excavation, or drilling operations;
- (f) Construction and/or reconstruction of bridges or culverts;
- (g) Storage of materials; or
- (h) Any other activity that might change the direction, height, or velocity of flood or surface waters.

"Development" does not include activities such as the maintenance of existing buildings and facilities such as painting, re-roofing, resurfacing roads; or gardening, plowing, and similar agricultural practices that do not involve filling, grading, excavation, or the construction of permanent buildings.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FHBM- Flood Hazard Boundary Map.

FIRM- Flood Insurance Rate Map

FLOOD. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

FLOODPLAIN. The channel proper and the areas adjoining any wetlands lake or watercourse, which have been, or hereafter may be covered by the regulatory flood. The floodplain includes both the floodway and the floodway fringe districts.

FLOOD PROTECTION GRADE or the "FPG". Means the elevation of the regulatory flood plus two feet at any given location in the SFHA.

LOWEST FLOOR. Means the lowest of the following:

- (a) the basement floor;
- (b) the garage floor, if the garage is the lowest level of the building;
- (c) the first floor of the buildings elevated on pilings or constructed on a crawl space with permanent openings; or
- (d) the floor level of any enclosure below an elevated building where the walls of the enclosure provide any resistance to the flow of the flood waters unless:

(1) the walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters, through providing a minimum of two openings (in addition to doorways and windows) having a total area of one (1) square foot for every two (2) square feet of enclosed floor area sub*t to flooding. The bottom of all such openings shall be no higher than one (1) foot above the enclosed area's floor.

(2) such enclosed space shall be usable for non-residential purposes and building access.

MANUFACTURED HOME. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

NEW MANUFACTURED HOME PARK OR SUBDIVISION. Means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

RECREATIONAL VEHICLE. Means a vehicle which is (1) built on a single chassis; (2) 400 square feet or less when measured at the largest horizontal projections; (3) designed to be self-propelled or permanently towable by a light duty truck; and (4) designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational camping, travel, or seasonal use.

REGULATORY FLOOD. Means the flood having a one percent probability of being equaled or exceeded in any given year, as calculated by a method and procedure, which is acceptable to and approved by the Indiana Natural Resources Commission. The regulatory flood elevation at any location is as defined in Section 8-200 of this ordinance. The "Regulatory Flood" is also known by the term "Base Flood."

SFHA or SPECIAL FLOOD HAZARD AREA. Means those lands within the jurisdiction of the county that are subject to inundation by the regulatory flood. The SFHAs of the County are generally identified as such on the Flood Insurance Rate Map of the County prepared by the Federal Emergency Management Agency and dated March 15, 1982.

STRUCTURE. Means a structure that is principally above ground and is enclosed by walls and a roof. The term includes a gas or liquid storage tank, a manufactured home, or a prefabricated building. The term also includes recreational vehicles and travel trailers to be installed on a site for more than one hundred eighty (180) days.

SUBSTANTIAL IMPROVEMENT. Means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 40 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures, which have incurred "substantial damage" regardless of the actual repair work performed. The term does not include improvements of structures to correct existing violations of state or local health, sanitary, or safety code requirements or any alteration of a "historic structure," provided that the alteration will not preclude the structures continued designation as a "historic structure." (Ord. No. 1990-03, § 3, 4-2-90)

Sec. 8-193 Basis for Establishing Flood Plain Districts.

The Flood Plain districts (areas subject to inundation by the regulatory flood) as identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for Bartholomew County" dated March 15, 1982, with the accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps along with any subsequent revisions to the text or maps are hereby adopted by reference and declared to be a part of this Article. The Flood Insurance Study is on file at the Office of the Auditor. (Ord. No. 1982-2-, § 4.0, 3-1-82)

Sec. 8-194 Flood Plain Districts.

(a) Zone A (ZA) District. The purpose of the Zone A (ZA) district is to guide development in areas where detailed flood information has not been provided. These areas are determined as approximate 100-year on the Flood Boundary and Floodway map. These areas also show as Zone A on the Rate map. The identification of these areas are made by the Federal Insurance Administration.

(b) Floodway (FW) District. The purpose of the Floodway (FW) district is to guide development in areas identified as floodways. The identification of these areas are made by the Federal Insurance Administration; however, all such identifications shall be made in compliance with the current rules, procedures and policies of Natural Resources. Natural Resources exercises

primary jurisdiction in the Floodway (FW) district under the provisions of Chapter 11 of Title 13, Article 1, of the Indiana Code, however, the Plan Commission may impose terms and conditions on any permit it issues in this district which are more restrictive than those imposed by Natural Resources.

(c) Floodway Fringe (FF) District. The purpose of the Floodway Fringe (FF) district is to guide development in areas subject to potential flood damage, but outside an identified Floodway (FW) district. The identification of these areas is made by Federal Insurance Administration. The principal requirement of this district is that the flood protection grade of all buildings shall be at least two feet above the regulatory flood profile. (Ord. No. 1990-03, § 5, 4-2-90)

Sec. 8-195 Designation and Duties of the Administrator.

The Chief Technical Code Enforcement Officer for the County is appointed to review all development and subdivision proposals to insure compliance with this ordinance, including but not limited to the following duties:

(a) Ensure that all development activities within the SFHAs of the jurisdiction of the County meet the requirements of this ordinance.

(b) Provide information and assistance to citizens upon request about permit procedures and floodplain construction techniques.

(c) Ensure that construction authorization has been granted by the Indiana Natural Resources Commission for all development projects subject to Section 8-201 of this ordinance, and maintain a record of such authorization (either a copy of actual permit or letter of recommendation).

(d) Maintain a record of the "as-built" elevation of the lowest floor (including basement) of all new and/or substantially improved buildings constructed in the SFHA.

(e) Maintain a record of the engineer's certificate and the "as built" flood proofed elevation of all buildings subject to Section 8-202 of this ordinance.

(f) Cooperate with state and federal floodplain management agencies to improve base flood and floodway data and to improve the administration of this ordinance. Submit reports as required for the National Flood Insurance Program

(g) Maintain for public inspection and furnish upon request regulatory flood data, SFRA maps, copies of DNR permits and letters of recommendation, federal permit documents, and "as built" elevation and flood proofing data for all buildings constructed subject to this ordinance. (Ord. No. 1990-03, § 6, 4-2-90)

Sec. 8-196 Other Development Requirements.

(a) The Plan Commission or its designated authority shall review all proposed subdivisions to determine whether the subdivision lies in a flood hazard area as defined in this Article. If the Commission or its designee finds the subdivision to be so located, the Commission

or its designee shall forward pertinent plans and materials to the Indiana Department of Natural Resources for review and comment. The Commission or its designee may require appropriate changes and modifications in order to assure that

- (1) it is consistent with the need to minimize flood damages;
- (2) all public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage;
- (3) adequate drainage is provided so as to reduce exposure to flood hazards; and, that
- (4) on-site waste disposal systems, if provided, will be so located as to avoid impairment of them or contamination from them during the occurrence of the regulatory flood.

(b) Developers shall record the 100-year flood on all subdivision plats containing lands identified in the Article as within a flood hazard area prior to submitting the plats for approval by the Plan Commission or its designee.

(c) All owners of manufactured home parks or subdivisions located within the SFHA identified as Zone A on the community's FHMB or Firm develop an evacuation plan for those lots located in a Zone A and file it with the local Plan Commission and have it filed and approved by the appropriate community emergency management authorities. (Ord. No. 1990-03, § 7, 4-2-90)

Sec. 8-197 Permitted Uses.

All development except the following uses permitted by right shall be prohibited within Flood Plain districts as established in Section 8-194

(a) Floodway (FW) District and Zone A (ZA) District.

The following uses shall be permitted by right, provided they do not involve the erection of any structure or obstruction, the opening of any excavation, the deposition of any material or substance and are permitted by the underlying Zone district;

- (1) Agricultural uses such as the production of crops, pastures, orchards, plant nurseries, vineyards and general farming;
- (2) Forestry, wildlife areas and nature preserves;
- (3) Parks and recreational uses, such as golf courses, driving ranges and play areas;

(b) Floodway Fringe (FF) District

The following uses shall be permitted by right when the uses are permitted by the underlying Zone districts.

All facilities, structures, uses and buildings consistent with other provisions of the Code such as businesses, medical facilities, community and government buildings, industrial facilities, restaurants, commercial facilities, storage facilities, mobile homes, utility buildings, amusement facilities, residential buildings and civic or fraternal facilities may be constructed in this district provided that the flood protection grade for all buildings shall be at least two feet above the regulatory flood profile. Flood proofed non-residential buildings may also be constructed in this district provided that the plans and specifications for all necessary structural facilities and modifications are certified by a professional engineer or registered architect licensed to practice in Indiana. Also, on-site waste disposal systems must be so located as to avoid impairment of them or contamination from them during the occurrence of the regulatory flood. Water management and transportation facilities may also be permitted. (Ord. No. 1990-03, § 8, 4-2-90)

Sec. B-198 Special Uses.

(a) Zone A (ZA) District.

The following special uses may be permitted in the Zone A (ZA) district when the uses are permitted in the underlying Zone district and only after a proper permit or letter of recommendation for same has been granted by Natural Resources. All terms and conditions imposed by Natural Resources will be incorporated in any permit issued by the Chief Technical Code Enforcement Officer. Said Officer may impose greater restrictions. All buildings or additions to existing buildings shall have flood protection grades at least two feet above the regulatory flood profile.

- (1) Water management and use facilities, such as dams, docks, dolphins, channel improvements, dikes, jetties, groins, marinas, piers, wharves, levees, seawalls, floodwalls, weirs and irrigation facilities.
- (2) Transportation facilities, such as streets, bridges, roadways, fords, airports, pipelines, railroad and utility transmission facilities.
- (3) Temporary or seasonal flood plain occupancy, such as circus sites, fair sites, carnival sites, boat ramps, camps, roadside stands and transient amusement facility sites.
- (4) Water-related urban uses, such as wastewater treatment facilities, storm sewers, electric generating and transmission facilities and water treatment facilities.
- (5) Other flood tolerant or open space urban uses, such as flood proofed buildings, race tracks, tennis courts, park buildings, outdoor theaters, fills, truck freight terminals, radio or TV towers, parking lots and mineral extractions.
- (6) Mobile Homes (temporary or permanent) having pads (concrete or stands of compacted fill) at or above the regulatory flood elevation and ground anchors meeting Mobile Home Tie Downs; Schedule A. In addition, adequate drainage and access for a hauler shall be provided.

(7) Residential Structures.

The structure or structures, if permitted in a Zone A (ZA) district, shall be constructed on the building site so as to minimize obstruction to the flow of floodwaters.

Flood proofing of non-residential structures, if proposed, must be so certified by a professional engineer or a registered architect licensed to practice in Indiana.

On-site waste disposal systems must be so located as to avoid impairment of them or contamination from them during the occurrence of the regulatory flood.

(b) Floodway (FW) District.

The following special exception uses may be permitted in the Floodway (FW) district when the uses are permitted in the underlying Zone district and only after a permit for construction in a floodway has been granted by Natural Resources. All terms and conditions imposed by Natural Resources will be incorporated in any permit issued by the Chief Technical Code Enforcement Officer. Said Officer may impose greater restrictions. All buildings or additions to existing buildings shall have flood protection grades at least two feet above the regulatory flood profile.

(1) Water management use facilities, such as dams, docks, dolphins, channel improvements, dikes, jetties, groins, marinas, piers, wharves, levees, seawalls, floodwalls, weirs and irrigation facilities.

(2) Transportation facilities, such as streets, bridges, roadways, fords, airports, pipelines, railroads and utility transmission facilities

(3) Temporary or seasonal flood plain occupancy, such as circus sites, fair sites, carnival sites, boat ramps, camps, roadside stands and transient amusement facility sites.

(4) Water-related urban areas, such as wastewater treatment facilities, storm sewers, electric generating and transmission facilities and water treatment facilities.

(5) Other flood tolerant or open space urban uses, such as flood proofed buildings, race tracks, tennis courts, park buildings, outdoor theaters, fills, truck freight terminals, radio or TV towers, parking lots and mineral extraction.

Flood proofing of non-residential structures, if proposed must be so certified by a professional engineer or a registered architect licensed to practice in Indiana.

The structure or structures, if permitted in the floodway, shall be constructed on the building site so as to minimize obstruction to the flow of floodwaters. (Ord. No. 1990-03, § 9, 4- 2-90)

Sec. 8-199 Regulatory Flood Elevation.

This ordinance's protection standard is the regulatory flood. The best available regulatory flood data is listed below. Whenever a party disagrees with the best available data, the party submitting the detailed engineering study needs to replace existing data with better data and submit it to the Department of Natural Resources for review and approval.

(a) The regulatory flood elevation for the SFHAs of rivers and creeks within Bartholomew County shall be as delineated on the 100-year flood profiles in the Flood Insurance Study of the County prepared by the Federal Emergency Management Agency and dated March 15, 1982.

(b) The regulatory Flood Elevation for each SFHA delineated as an "AH Zone " or "AO Zone" shall be that elevation (or depth) delineated on the Flood Insurance Rate Map of the County.

(c) The regulatory Flood Elevation for each of the remaining SFHAS delineated as an "A Zone" on the Flood Insurance Rate Map of the County shall be according to the best data available as provided by the Department of Natural Resources.

(d) If the SFRA is delineated as "AH Zone" or 'AO Zone', the elevation (or depth) will be delineated as "Zone A" on the County Flood Insurance Rate Map, the regulatory flood elevation shall be according to the best data available as provided by the Department of Natural Resources. (Ord. No. 1990-03, § 9, 4-2-90)

Sec. 8-200 Improvement Location Permit.

No person, firm, corporation, or governmental body not exempted by state law shall commence any "development" in the SFHA without first obtaining an Improvement Location Permit from the Office of Technical Code Enforcement. The Office of Technical Code Enforcement shall not issue an Improvement Location Permit if the proposed "development" does not meet the requirements of this ordinance.

(a) The application for an Improvement Location Permit shall be accompanied by the following:

- (1) A description of the proposed development.
- (2) Location of the proposed development - sufficient to accurately locate property and structure in relation to existing roads and streams.
- (3) A legal description of the property site
- (4) A site development plan showing existing and proposed structure locations and existing and proposed land grades.
- (5) Elevation of lowest floor (including basement) of all proposed structures. Elevation should be in National Geodetic Vertical Datum of 1929 (NGVD).

(b) Upon receipt of an application for an Improvement Location Permit, the Chief Technical Code Enforcement Officer shall determine if the site is located within an identified floodway or within the floodplain where the limits of the floodway have not yet been determined.

(1) If the site is an identified floodway, the Chief Technical Code Enforcement Officer shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Department of Natural Resources and apply for a permit for construction in a floodway.

Under the provision of I.C. 13-2-22, a permit from the Natural Resources Commission is required prior to the issuance of a local building permit for any excavation, deposit, construction or obstruction activity located in the floodway. This includes land preparation activities such as filling, grading, clearing and paving etc. undertaken before the actual start of construction of the building.

No action shall be taken by the Chief Technical Code Enforcement Officer until permit has been issued by the Natural Resources Commission granting approval for construction in the floodway. Once a permit has been issued by the Natural Resources Commission, the Chief Technical Code Enforcement Officer may issue the local Improvement Location Permit, provided the provisions contained in Section 8-201 and 8-202 of this ordinance have been met. The Improvement Location Permit cannot be less restrictive than the permit issued by the Natural Resources Commission.

(2) If the site is located in an identified floodway fringe, then the Chief Technical Code Enforcement Officer may issue the local Improvement Location Permit provided the provision contained in Sections 8-201 and 8-202 of this ordinance have been met. The key provision is that the lowest floor of any new or substantially improved structure shall be at or above the Flood Protection Grade.

(3) If the site is in an identified floodplain where the limits of the floodway and floodway fringe have not yet been determined (shown as Zone A on the Flood Insurance Rate Map), and the drainage area upstream of the site is greater than one square mile, the Chief Technical Code Enforcement Officer shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Department of Natural Resources for review and comment.

No action shall be taken by the Chief Technical Code Enforcement Officer until either a permit for construction in the floodway or a letter of recommendation citing the 100-year flood elevation and the recommended Flood Protection Grade has been received from the Department of Natural Resources.

Once the Chief Technical Code Enforcement Officer has received the proper permit or letter of recommendation approving the proposed development, and Improvement Location Permit may be issued provided the conditions of the H.P. are not less restrictive than the conditions received from Natural Resources and the provisions contained in Sections 8-201 and 8-202 of this ordinance have been met. (Ord. No. 1990-03, § 10.1, 4-2-90).

Sec. B-201 Preventing Increased Damages.

No development in the SFHA shall create a damaging or potentially damaging increase in flood heights or velocity or threat to public health and safety.

(a) Within the floodway identified on the Flood Boundary and Floodway Map or the Flood Insurance Rate Map, the following standards shall apply:

(1) No development shall be allowed which acting alone or in combination with existing or future similar works, will cause any increase in the elevation of the regulatory flood; and

(2) For all projects involving channel modifications or fill (including levees) the County shall submit a request to the Federal Emergency Management Agency to revise the regulatory flood data.

(b) Within all SFHAs identified as A Zones (no 100-year flood elevation and/or floodway/floodway fringe delineation has been provided) the following standard shall apply:

(1) The total cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the regulatory flood elevation more than one-tenth (0.1) of one foot and will not increase flood damages or potential flood damages.

(c) Public Health Standards in all SFHAs

(1) No development in the SFHA shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants, or other hazardous or toxic materials below the Flood Protection Grade, unless such materials are stored in a storage tank or flood proofed building constructed according to the requirements of Section 8-202 of this ordinance.

(2) New and replacement sanitary sewer lines and on-site waste disposal systems may be permitted providing all manholes or other above ground openings located below the FPG are watertight. (Ord. No. 1990-03, § 10.2, 4-2-90)

Sec. 8-202 Protecting Buildings.

In addition to the damage prevention requirements of Section 8-201, all buildings to be located in the SFHA shall be protected from flood damage below the FPG.

(a) This building protection requirement applies to the following situations:

(1) construction or placement of any new building valued at more than \$1,000.00;

(2) structural alterations made to an existing building that increase the market value of the building by more than forty (40%) percent (excluding the value of the land);

(3) reconstruction or repairs made to a damaged building that are valued at or more than forty (40%) percent of the market value of the building (excluding the value of the land) before damage occurred;

(4) installing a manufactured home on a new site or a new manufactured home on an existing site. This ordinance does not apply to returning the existing manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage; and

(6) installing a travel trailer on a site for more than one hundred eighty (180) days.

(b) This building protection requirement may be met by one of the following methods. The Chief Technical Code Enforcement Officer shall maintain a record of compliance with these building protection standards as required in Section 8-195, of this ordinance.

(1) A residential or nonresidential building may be constructed on a permanent landfill in accordance with the following:

(a) The fill shall be placed in layers no greater than one foot deep before compacting to 95 % of the maximum density obtainable with the Standard Proctor Test method.

(b) The fill should extend at least ten feet beyond the foundation of the building before sloping below the FPG.

(c) The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or bulk heading. If vegetative cover is used, the slopes shall be no steeper than 3 horizontal to 1 vertical.

(d) The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties.

(e) The lowest floor (see definition of lowest floor in Section 8-192 Definitions) shall be at or above the FPG.

(2) A residential or nonresidential building may be elevated in accordance with the following:

(a) The building or improvements shall be elevated on posts, piers, columns, extended walls, or other "s of similar foundation provided:

(1) Walls of any enclosure below the elevated floor shall be designed to automatically equalize hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters, through providing a minimum of two openings (in addition to doorways and windows) having a total area of one (1) square foot for every two (2) square feet of enclosed floor area subject to flooding. The bottom of all such openings shall be no higher than one (1) foot above the enclosed area's floor.

(2) Any enclosure below the elevated floor is used only for non-residential purposes and building access.

(b) The foundation and supporting members shall be anchored and aligned in relation to flood flows and adjoining structures so as to minimize exposure to known hydrodynamic forces such as current, waves, ice, and floating debris.

(c) All areas below the FPG shall be constructed of material resistant to flood damage. The lowest floor (including basement) and all electrical, heating, ventilating, plumbing, and air conditioning equipment and utility meters shall be located at or above the FPG. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the FPG.

(3) Manufactured homes and travel trailers (also called recreational vehicles) to be installed or substantially improved on a site for more than 180 days must meet one of the following anchoring requirements:

(a) The manufactured home shall be elevated on a permanent foundation such that the lowest floor shall be at or above the FPG and securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. This requirement applies to all manufactured homes to be placed on a site:

- (1) outside a manufactured home park or subdivision;
- (2) in a new manufactured home park or subdivision;
- (3) in an expansion to an existing manufactured home park or subdivision; or
- (4) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood.

(b) The manufactured home shall be elevated so that the lowest floor of the manufactured home chassis is supported by reinforced piers or other foundation elements that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

This requirement applies to all manufactured homes to be placed on a site in an existing manufactured home park or subdivision that has not been substantially damaged by a flood.

(4) Recreation vehicles placed on a site shall either:

- (a) be on the site for less than 180 consecutive days;
- (b) be fully licensed and ready for highway use (defined as being on its wheels or jacking system, is attached to the site only by quick-disconnect-type utilities and security devices, and has no permanently attached additions); or
- (c) meet the requirements for "manufactured homes" in paragraph (3) of this Section.

(5) A non-residential building may be flood proofed to the FPG (in lieu of elevating) if done in accordance with the following:

(a) a Registered Professional Engineer shall certify that the building has been designed so that below the FPG, the structure and attendant utility facilities are watertight and capable of resisting the effects of the regulatory flood. The building design shall take into account flood velocities, duration, rate of rise, hydrostatic pressures, and impacts from debris or ice.

(b) Flood proofing measures shall be operable without human intervention and without an outside source of electricity. (Ord. No. 1990-03, § 10.3,4-2-90)

Sec. 8-203 Disclaimer of Liability.

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods ran and will occur on rare occasions. Therefore, this Article does not create any liability on the part of the community, Natural Resources or the State of Indiana for any flood damages that result from reliance on this Article or any administrative decision made lawfully thereunder. (Ord. No. 1990-03, § 13,4-2-90)

Sec. 8-203A Variances.

(a) The Board of Zoning Appeals may consider issuing a variance to the terms and provisions of this Ordinance provided the applicant demonstrates that:

- (1) There exists a good and sufficient cause for the requested variance;
- (2) The strict application of the terms of this Article will constitute an exceptional hardship to the applicant; and,
- (3) The granting of the requested variance will not increase flood heights, create additional threats to public safety, cause additional public expense, create nuisances, cause fraud or victimization of the public or conflict with existing laws, Codes or Ordinances.

(b) The Board of Zoning Appeals may issue a variance to the terms and provisions of this ordinance subject to the following standards and conditions:

- (1) No variance or exception for a residential use within a floodway subject to Section 8-201 (a) or (b) may be granted.
- (2) Any variance or exception granted in a floodway subject to Section 8-201 (a) or (b) will require a permit from Natural Resources.
- (3) Variances or exceptions to the Building Protection Standards of Section 8-202 may be granted only when a new structure is to be located on a lot of one-half acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the flood protection grade.
- (4) Variances or exceptions may be granted for the reconstruction or restoration of any structure individually listed on the Register of Historic Places or the Indiana State Survey or Historic Architectural, Archaeological and Cultural Sites, Structures, Districts, and Objects.
- (5) All variances shall give the minimum relief necessary and be such that the maximum practical flood protection will be given to the proposed construction; and
- (6) The Board of Zoning Appeals shall issue a written notice to the recipient of a variance or exception that the proposed construction will be subject to increased risks to life and property and could require payment of excessive flood insurance premiums. (Ord. No. 1990-03, § 11, 4-2-90)

Sec. 8-204 Violations.

Failure to obtain an Improvement Location Permit in the SFHA or failure to comply with the requirements of a permit or conditions of a variance shall be deemed to be a violation of this Ordinance. All violations shall be considered a common nuisance and be treated as such in accordance with the provisions of this Article.

(a) A separate offense shall be deemed to occur for each day the violation continues to exist,

(b) The Chief Technical Code Enforcement Officer shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.

(c) Nothing herein shall prevent the County from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible. (Ord. No. 1990-03, S 14, 4-2-90)

Sec. 8-205 Abrogation and Greater Restrictions.

This ordinance repeals and replaces other ordinances adopted by the County Commissioners to fulfill the requirements of the National Flood Insurance Program. However, this ordinance does not repeal the original resolution or ordinance adopted to achieve eligibility in the Program. Nor does this ordinance repeal, abrogate, or impair any existing easements, covenants or deed restrictions. Where this ordinance and other ordinance easements, covenants or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall take precedence. (Ord. No. 1990-03, §15, 4-2-90)

Sec. 8-206 Effective Date.

This ordinance shall take effect upon its passage by the County Commissioners. (Ord. No. 1990-03, § 17, 4-2-90)

Sec. 8-207 through Sec. 8-214 Reserved for Future Use.

Division IV. Board of Zoning Appeals.

Sec. 8-215 Establishment.

A Board of Zoning Appeals is hereby established. (Ord. No. 1984-1, §I A, 1-3-84)

Sec. 8-216 Membership.

The Board of Zoning Appeals shall consist of five (5) members representing the unincorporated area of Bartholomew County not under the extraterritorial jurisdiction of any municipality, as follows:

(a) Three (3) citizen members appointed by the County Commissioners, of whom one (1) shall be a member of the Plan Commission and two (2) shall not be members of the Plan Commission;

(b) One (1) citizen member, appointed by the County Council, who shall not be a member of the Plan Commission;

(c) One (1) citizen member appointed by the Plan Commission from its membership, other than the Plan Commission member appointed by the County Commissioners. Other than the two Plan Commission members, no member of the Board may hold other elective or appointive office in municipal, county or state government. (Ord. No. 1984-1, §IA, 1-3-84)

Sec. 8-217 Terms of Members.

The terms of the members of the Board of Zoning Appeals shall be as follows:

(a) The County Commissioners shall appoint a citizen member of the Plan Commission to the lesser of a term of four (4) years or for the duration of that person's term as a Plan Commission member;

(b) The County Commissioners shall appoint two (2) citizens of the unincorporated area of Bartholomew County not under the extraterritorial jurisdiction of any municipality to a term of four (4) years;

(c) The County Council shall appoint a citizen of the unincorporated area of Bartholomew County not under the extraterritorial jurisdiction of any municipality to a term of four (4) years;

(d) The Plan Commission shall appoint one of its citizen members to the lesser of a term of four (4) years or for the duration of that person's term as a Plan Commission member;

(e) In the case of resignation by a member, his appointed replacement shall serve the remaining portion of the member's un-expired term. (Ord. No. 1984-1, SIB, 1-3-84)

Sec. 8-218 Expiration Date of Terms.

The term of each member expires on the first Monday of January of the fourth year after the year of the member's appointment. (Ord. No. 1984-1, SIC, 1-3-84)

Sec. 8-219 Conflict of Interest.

A member of the Board of Zoning Appeals shall not participate in a hearing or decision of the Board concerning a zoning matter in which he has a direct or indirect financial interest. In such an instance the Board shall enter in its records the fact that a member has such a disqualification. (Ord. No. 1984-1, §ID, 1-3-84) 653

Sec. 8-220 Removal of a Member.

The appointing authority (County Commissioners, County Council or Plan Commission) may remove a member from the Board of Zoning Appeals for cause. The appointing authority shall mail notice of removal, along with written reasons for the removal, to the member at his residence address. A member who is removed may, within thirty (30) days after receiving notice of the removal, appeal the removal to the circuit or superior court of the County. (Ord. No. 1984-1, § 1E, 1-3-84)

8-221 Promulgation of Rules; Notice; Staff Evidence; Decision Process; Reconsideration of Application After Rejection; Minutes, and Records.

(1) The Board of Zoning Appeals shall adopt rules of procedure concerning the filing of appeals, applications for variances, conditional uses, giving of notice, conduct of hearings and other such matters as may be necessary to carry out its duties under the Sections of this Article. At the first meeting of each year, the Board shall elect a chairman and a vice-chairman from among its members.

(2) The Board shall keep minutes of its proceedings and records of its examinations and other official actions, and shall prepare findings and record the specifics of each vote on all actions taken. All minutes and records shall be filed in the offices of the Board and shall be public record. (Ord. No. 1994-1, § 1F(1), (7), 1-3-84)

(3) In the event of a petition for a conditional use, or variance, direct notice shall be given in accordance with the Board of Zoning Appeals Rules of Procedure. (Ord. No. 1991-04, 5 3, 4-29-91)

(4) The staffs of the Plan Commission and Board of Zoning Appeals may appear before the Board at the hearing and present evidence relevant to the effect on the Master Plan or this Article of the granting of a variance or the determination of any other matter.

(5) Unless a continuance is requested by the petitioner, the Board of Zoning Appeals shall make a decision on any matter that it is required to hear at the meeting at which the matter is first presented, or, if the matter is continued, a decision shall be made no later than sixty (60) days after the meeting at which the matter was first presented. Within five (5) days of making a decision, the Board shall file a written copy of its decision in the offices of the Board.

(6) An affirmative vote by a majority of the Board of Zoning Appeals shall be required to approve or deny a petition before the Board.

(7) Any petition approved by the Board of Zoning Appeals, unless otherwise stipulated, shall expire and become void seven (7) months after the date of its granting unless the petitioner or his agent has substantially put into effect the use on the property for which the petition was approved. (Ord. No. 1984-1, § 1F(3)-(6), 1-3-84)

Sec- 8-222 Authority.

The Board of Zoning Appeals shall have the following authority:

(a) Hear and determine appeals from and review:

(1) Any order, requirement, decision or determination made by an administrative official, hearing officer or staff member under this Article;

(2) Any order, requirement, decision or determination made by an administrative Board or other body except the Plan Commission in relation to the enforcement of this Article;

(3) Any order, requirement, decision or determination made by an administrative Board or other body except the Plan Commission, relating to the enforcement of the provisions of this Article requiring the procurement of an improvement location or occupancy permit. (

b) Approve or deny all Conditional uses under the terms of this Article, but only in the classes of cases or in the particular situations specified in this Article. The Board may impose reasonable conditions as a part of its approval.

(c) Approve or deny all

(1) Variances of use; and,

(2) Variances from the development standards of this Article. (Ord. No. 1984-1, §IG, 1-3-84)

Sec. B-223 Appeals of Administrative Decisions.

(a) The Board of Zoning Appeals shall hear and decide appeals where it is alleged there is error in any of the requirements, decisions or determinations made by an administrative official or body charged with the administration and enforcement of this Article.

(b) An appeal concerning interpretation or administration of this Article may be taken by any person aggrieved by any decision of the administrative official or body charged with the administration and enforcement of this Article.

(c) An appeal shall specify the grounds thereof and shall be filed within thirty (30) days of the decision alleged to be in error. The administrative official or body from whom the appeal is taken shall forthwith transmit to the Board all documents, plans and papers constituting the record of the action from which the appeal is taken. (Ord. No. 1984-1, §IH, I- 3-84)

Sec. 8-224 Review of Application for Conditional Use.

In evaluating a request for a conditional use, in addition to any requirements pertinent to a specific use, the Board shall make written findings that:

- (a) The proposed use is generally compatible with adjacent land uses and properties in the district;
- (b) Adequate access to property and structures is provided, with particular attention given to access for emergency vehicles;
- (c) Any screening and/or buffering necessary to separate uses shall be provided;
- (d) Utilities are adequate for the proposed use;
- (e) Off-street parking and loading are adequate for the intended use; and
- (f) Any noise, glare or odor in conjunction with the intended use will not have a deleterious effect on adjacent properties and uses. (Ord. No. 198.4-1, 1I, 1-3-84)

Sec. 8-225 Variances.

(a) The Board of Zoning Appeals shall hear and authorize upon appeal in specific cases a variance of use or a variance from the development standards (such as height, bulk or area) in accordance with the criteria established in Paragraph (b), below.

(b) A variance from the terms of this Article shall not be granted by the Board unless and until:

(1) An application for variance is submitted indicating whether the request is for a variance of use or a variance from the development standards, and noting the specific terms of this Article from which the variance is sought, and demonstrating:

- (a) For a variance of use that:
 - (i) The approval will not be injurious to the public health, safety and general welfare of the community;
 - (ii) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner,
 - (iii) The need for the variance arises from some condition peculiar to the property involved;
 - (iv) The strict application of the terms of the Zoning Code will constitute an unnecessary hardship if applied to the property for which the variance is sought; and,

- (v) The approval does not interfere substantially with the comprehensive plan.
- (b) For a variance from the development standards that
 - (i) The approval will not be injurious to the public health, safety and general welfare of the community;
 - (ii) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner,
 - (iii) The strict application of the terms of this Article will result in practical difficulties in the use of the property; and,
 - (iv) The variance granted is the minimum necessary and does not correct a hardship caused by an owner, previous or present, of the property.
- (2) All such conditions and commitments as deemed necessary in the public interest may be required by the Board. Such conditions and commitments shall be subject to the requirements of **Sec. 8-227**;
- (3) Notice is given to parties in interest in accordance with **Sec. 8-221**;
- (4) The Board shall make written findings of fact that all of the requirements of Paragraph (b), (1) of this Section (b), (1), a for a variance of use, and (b), (1), (b) for a variance from the development standards) have been met by the applicant for a variance;
- (5) The Board shall make a written finding of fact that the granting of the variance will be in harmony with the general spirit, purpose and intent of this Article, and in the interest of determining substantial justice done. (Ord. No. 1984-1, §1J, 1-3-84)

Sec. 8-226 Appeal on Writ of Certiorari.

Any person aggrieved by any decision of the Board of Zoning Appeals may seek court review by certiorari procedure. A petition for certiorari shall specify the grounds upon which the petitioner alleges the illegality of the Board's action and must be filed in circuit or superior court of the County within thirty (30) days after the date of such decision. (Ord. No. 1984-1, §1K, 1-3-84)

Sec. 8-227 Affidavit of Compliance; Conditions and Commitments Imposed by the Board.

Whenever the decision of the Board is conditioned upon a petitioner's compliance with a requirement imposed by the Board concerning construction or site development (e.g., installation of landscaping, fencing, paving, curb stops or any comparable requirement) and such condition is recited in the notice to the petitioner of the Board's decision, the petitioner shall be required to notify the Board of the timely fulfillment of such requirement by filing an affidavit of compliance with the Board. If the time for fulfillment of the condition is stated in the Board's decision, such affidavit shall be filed within thirty (30) days after the time allowed for fulfillment.

If the time for fulfillment is not stated in the Board's decision, the affidavit shall be filed within thirty (30) days after the commencement of the use or completion of construction authorized by the Board's decision, whichever is earlier.

Failure to comply with any conditions imposed by the Board of Zoning Appeals shall constitute a violation enforceable by governmental authority pursuant to the provisions of **Sec. 8-238** of this Article. (Ord. No. 1984-1, §IL (1), 1-3-84)

Sec. 8-228 Recording of Commitments for Use or Development of Property.

If deemed advisable, the Board may require or permit the petitioner to make written commitments concerning the use or development of the subject property.

The commitments shall be reduced to writing in recordable form and signed by the owner(s) of the real estate. The commitments shall authorize their recording by the Administrative Official in the office of the Recorder of Bartholomew County, upon the grant of the variance, conditional use or contingent use petition by the Board of Zoning Appeals. Following the recording of the commitments, the Administrative Official shall return the original recorded commitments to the petitioner and shall retain a copy of the recorded commitments in its file.

The Board may require in such commitment the designation of any specially affected persons or categories of specially affected persons, who (in addition to persons entitled to receive notice of the hearing under Paragraph A of **Sec. B-221**) shall be entitled to enforcement thereof pursuant to **Sec. 8-238** of this Article.

The commitments may be modified or terminated by a decision of the Board of Zoning Appeals made at public hearing after proper notice has been given. Any modification or termination of the commitments approved by the Board shall not be in full force and effect until reduced to writing by the present owner(s) of the real estate, endorsed by the Board, and recorded in the office of the Recorder of Bartholomew County. (Ord. No. 1984-1, §IL (2), 1-3-84)

Sec. B-229 through Sec. 8-23.4 Reserved for Future Use.

Division V. Administration.

Sec. 8-235 Administration.

The Chief Technical Code Enforcement Officer is designated and authorized to enforce this Article.

(a) Any person, persons, firms or corporations which shall make application for an Improvement Location Permit shall, at the time of making such application, furnish the Chief Technical Code Enforcement Officer with a site plan of the real estate upon which said application for an Improvement Location Permit is made at least five (5) days prior to the issuance of said Improvement Location Permit, which five (5) day period may be waived by the Chief Technical Code Enforcement Officer. Said site plan shall be drawn to scale showing the following items:

- (1) Legal or site description of the real estate involved;
- (2) Location and size of all buildings and structures;
- (3) Width and length of all entrances and exits to and from said real estate;
- (3) All adjacent and adjoining roads or highways

(b) Site plans so furnished to the Chief Technical Code Enforcement Officer shall be filed by said Officer and shall become a permit record.

(c) The Chief Technical Code Enforcement Officer may require the relocation of any proposed building or structure or exit or entrance shown on said site plan and/or the location of new exits or entrances not shown on said site plan before issuing an Improvement Location Permit when such action is necessary to carry out the purpose and intent of this Article.

(d) The Chief Technical Code Enforcement Officer shall issue an Improvement Location Permit for a Conditional Use only following receipt of notice from the Board that the application therefore has been approved by the Board.

(e) Any person to whom is issued an Improvement Location Permit pursuant to subsection D, above, who fails to commence construction of an authorized Industrial Park or Shopping Center within twenty-four (24) months after such permit is issued or who fails to carry to completion thirty percent (30%) of the total Development Plan thereof within three (3) years after such permit is issued or within one (1) year after such construction is begun, whichever is later, or who fails to conform to the provisions of the Development Plan and supporting data finally approved by the Board and upon the basis of which such Improvement Location Permit was issued, may be required by the Board upon its own motion, and shall be required by the Board upon written petition of any person deeming himself aggrieved, to show cause why such approval should not be withdrawn and such permit revoked; provided, however, that no such order to show cause shall be issued for failure to commence construction within twenty-four (24) months, after such construction has in fact commenced even though commenced after the expiration of such twenty-four (24) month period.

(1) Upon the determination by the Board or petition by such person to require the holder of such permit to show cause pursuant to the provisions of subsection (E) hereof, the Board shall set the same for public hearing, and cause written notice thereof to be sent by registered mail to the permit holder and to be published according to law. Such notice shall name a day not less than ten (10) days after the date such notice is mailed and after the second of such publications upon which such hearing will be held.

(2) If after such hearing, upon evidence publicly presented to the Board by members of the public or officers or employees of the County, including members of the Board, present in person at such hearing, the Board shall find that the holder of the permit in question has failed to commence construction of the Industrial Park within twenty-four (24) months from the date the Improvement Location Permit was issued, has failed to carry to completion thirty (30) percent of the total Development Plan within three years after said date or has failed materially to conform to the provisions of the Development Plan and supporting data finally

approved by the Board and upon the basis of which such Improvement Location Permit was issued, the Board shall withdraw its approval of such developmental Plan and order such permit revoked; provided, however that the Board may, if it deems such failure correctable within a period of six (6) months, extend the time within which such period the holder may purge himself of such failure for not longer than such period, during which period such hearing shall be continued to a day certain at the end thereof.

(f) Not more than one Improvement Location Permit for each "C3" district symbol on the Zone Map may be issued and outstanding at any one time.

(g) In the event the Board shall revoke an Improvement Location Permit under the authority of subsection (e), (2), hereof, it may thereafter grant approval for another shopping center development in the same "C3" District subject to all of the provisions and requirements of the Article.

(h) The holder of an Improvement Location Permit for an Industrial Park, Shopping Center, or Residential Development Plan may apply to the Board at any time for an alteration, change, amendment, or extension of the Development Plan upon which such a permit is based.

(1) Upon receipt of such application, the Board shall proceed as in the case of original applications for Conditional Uses.

(2) In the event the Board shall approve and order such Development Plan changed, altered, amended, or extended, it shall so notify the Chief Technical Code Enforcement Officer who shall issue an amended Improvement Location Permit accordingly.

(i) No land shall be occupied or used and no building hereafter erected, reconstructed or structurally altered shall be occupied or used, in whole or in part, for any purpose whatsoever, until a Certificate of Occupancy shall have been issued by the Chief Technical Code Enforcement Officer stating that the building and use comply with all of the provisions of this Article applicable to the building or premises or the use in the district in which it is to be located.

(j) No change in use shall be made in any building or part thereof, now or hereafter erected, reconstructed or structurally altered, without a Certificate of Occupancy having been issued by the Chief Technical Code Enforcement Officer and no such permit shall be issued to make such change unless it is in conformity with the provisions of this Article.

(k) A Certificate of Occupancy shall be applied for coincidentally with the application of an Improvement Location Permit and shall be issued within ten (10) days after the lawful erection, reconstruction, or structural alteration of such building shall have been completed.

(l) A record of all Certificates of Occupancy shall be kept on file in the Department of Technical Code Enforcement and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the building or land affected.

(m) No Improvement Location Permit shall be issued for excavation for or the erection, reconstruction, or structural alteration of any building before application has been made for a Certificate of Occupancy. (Ord. No. 1989-03, 3-6-89)

Sec. 8-236 Amendments.

All amendments to this Article shall be in conformance with Section 36-7-4-600 of the Indiana Code. The Plan Commission shall review applications to amend the Official Zoning Map to determine conformance with the goals of the Comprehensive Plan for the County. (1981-8, § 2, 9-8-81)

Sec. 8-237 Filing Fees.

Fees adequate to cover the costs of advertising and administrative expenses for petitions under this Article shall be established by the Plan Commission, connected by the Administrative Official, paid to the County Treasurer and altered or amended only by action of the Plan Commission, provided, however, that there shall be no such fee in the case of petitions filed in the public interest by the Plan Commission. A schedule of current fees for all petitions not specified herein shall be made available at the Columbus Bartholomew Planning Department. No part of any filing fee paid pursuant to this Section shall be returnable to the applicant or petitioner. (Ord. No. 1-1, 1958, § 24, 7-4-58, as amended)

Sec. 8-238 Remedies.

(a) Whenever a violation of this Article occurs or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the administrative official. Such official shall properly record such complaint and immediately investigate. If acts elicited by such investigation are sufficient to establish a reasonable belief that a violation has occurred on the part of the party investigated, such official shall request that a complaint be filed.

(b) Any building erected, raised or converted, or land or premises used in violation of any section of this Ordinance or regulation thereof is hereby declared to be a common nuisance, and the owner thereof shall be liable for maintaining a common nuisance, which may be restrained or enjoined or abated in any appropriate action or proceeding.

(c) Any person who violates any section of this Article or regulation thereof or fails to comply with any of its requirements, including violations of conditions and safeguards established in connection with this Ordinance, shall be guilty of an ordinance violation and upon conviction, shall be fined in a sum not less than twenty-five (\$25.00) dollars nor more than three hundred dollars (\$300.00) for each day's violation.

(d) The owner or tenant of any building, structure, premises or part thereof, and any architect, builder, contractor, realtor, agent or other person who commits, participates in, assists in or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

(e) The Plan Commission, the Board of Zoning Appeals or any designated administrative official may institute a suit or injunction in the Circuit or Superior Court of the County to restrain any person from violating the sections of this Ordinance.

(f) The Plan Commission or the Board of Zoning Appeals may institute a suit for mandatory injunction demanding a person to remove a structure erected in violation of the sections of this Ordinance or to make the same comply with its terms. If such Commission or Board is successful in its suit, the respondent shall bear the costs of action, including reasonable attorney's fee.

(g) The County may pursue any other action or remedy authority by the laws of Indiana. All the foregoing actions shall be cumulative. (Ord. No. 1991-03, § 3 [Sec. 25] 4-1-91)

Sec. 8-239 through Sec. 8-249 Reserved for Future Use.

Division VI. Miscellaneous Provisions.

Sec. 8-250 Comprehensive Plan⁷

(Reserved)

Sec. 8-251 through Sec. 8-259 Reserved for Future Use.

****Pages 663 through 739 Reserved for Future Use.**

⁷**Editor's Note:** Res. No. 1988-02 dated 6-20-88, amended the Bartholomew County Comprehensive Plan; Ord. No. 1982-5 dated 6-7-82 addressed the "Land Use Element" of the Bartholomew County Comprehensive Plan; and Res. No. 81-7 dated 6-8-81 addressed the "Goals for the Year 2000". These and related documents are on File on the Columbus/Bartholomew Planning Department, and open for public inspection during regular business hours. Ord. No. 1983-6 addresses a Planning Director, Zoning Administrator and Building Inspector and was duly passed by the Board of Commissioners on 6-27-83. All Zone Maps referenced herein are on file in the office of the Plan Commission and are available for public inspection during regular business hours.